TITLE 40.—PUBLIC BUILDINGS, PROPERTY, AND WORKS

Chap. Sec.

19. Capitol and White House Pennsylvania Avenue Development [New]---------- 871

Chapter 1.—PUBLIC BUILDINGS, GROUNDS, PARKS, AND WHARVES IN DISTRICT OF COLUMBIA

Sec.
136. National Capital Service Area [New].
(a) Establishment.
(b) National Capital Service Director.
(c) Personnel; compensation.
(d) Presidential report to Congress.
(e) Boundaries.
(f) Presidential survey; map and description.
(g) Creation of National Capital Service Area not to affect existing provisions covering buildings and grounds within Area; availability of services and facilities.
(h) Continued application of laws, rules, and regulations covering areas within National Capital Service Area.
(i) Residency within National Capital Service Area.

§ 13n. Same; jurisdiction and powers of special police and Metropolitan Police force.

The special police provided for in section 13f of this title shall have the power, within the Supreme Court Building and grounds and adjacent streets, to enforce and make arrests for violations of any provision of sections 13g to 13k of this title, or any regulation prescribed under section 13*l* of this title or of any law of the United States, any law of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the Supreme Court Building and grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Marshal of the Supreme Court or his assistants, to enter the Supreme Court Building to make arrests in response to complaints or to serve warrants or to patrol the Supreme Court Building or grounds. (As amended Dec. 24, 1973, Pub. L. 93–198, title VII § 739(g)(8), 87 Stat. 829.)

AMENDMENTS

1973—Pub. L. 93–198 substituted ", any law of the District of Columbia, or of any State," for "or of any State".

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93–198 provided in part that the amendment of this section by Pub. L. 93–198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in Title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 13p of this title.

§ 13p. Same; area of grounds.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 9–146 of the District of Columbia Code.

§ 14a. Repealed. Pub. L. 92–317, § 3(f), June 22, 1972, 86 Stat. 235.

Section, act Apr. 29, 1926, ch. 195, title III, 44 Stat. 356, related to care, maintenance etc., of Bureau of Standards building.

§ 31. Use of public buildings for public ceremonies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 286d.

§ 33a. Construction of office buildings by wholly owned Government corporations.

CODIFICATION

Section, Pub. L. 87–125, title V, § 507, Aug. 3, 1961, 75 Stat. 283, prohibiting the use of funds available to wholly owned Government corporations for purchase or construction of office buildings without specific authority in law, was a part of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following appropriations acts:

1960—July 12, 1960, Pub. L. 86–642, title II, § 207, 74 Stat. 478.
1959—July 8, 1959, Pub. L. 86–79, title II, § 207, 73 Stat. 166.
1958—June 25, 1958, Pub. L. 85–468, title II, § 207, 72 Stat. 225.
1957—June 5, 1957, Pub. L. 84–48, title II, § 207, 71 Stat. 54.
1956—June 13, 1956, ch. 385, title II, § 207, 70 Stat. 281.
1955—June 29, 1955, ch. 226, title II, § 207, 69 Stat. 196.
1954—Aug. 26, 1954, ch. 935, ch. XIII, § 1307, 68 Stat. 829.
1953—Aug. 7, 1953, ch. 340, ch XIII, § 1307, 67 Stat. 436.
1952—July 15, 1952, ch. 758 ch XIV, § 1407, 66 Stat. 660.
1951—Nov. 1, 1951, ch. 664, ch. XIII, § 1307, 65 Stat. 756.
1949—Aug. 24, 1949, ch. 506, title III, § 307, 63 Stat. 662.
1948—June 30, 1948, ch. 773, title III, § 302, 62 Stat. 1194.
1947—July 30, 1947, ch. 358, title III, § 302, 60 Stat. 583.
1946—July 20, 1946, ch. 589, title III, § 302, 60 Stat. 595.

§ 34. Rent of buildings in District of Columbia; contracts not to be made until appropriation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 sections 242b, 287b.

§ 42. Rooms and accommodations for Civil Service Commission.

It shall be the duty of the Administrator of General Services to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of the Civil Service Commission and the examinations provided for in sections 3304 and 3305 of Title 5, and to cause the necessary stationery and other articles to be supplied and the necessary printing to be done for the said commission. (Jan. 16, 1883, ch. 27, §4, 22 Stat. 405; May 29, 1920, ch. 214, § 1, 41 Stat. 642.)

CODIFICATION

The words "the examinations provided for in sections 3304 and 3305 of Title 5" were substituted for "said examinations", referring to the examinations provided for in section 3 of act Jan. 16, 1883, to reflect the enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 378.

§ 53a. MacArthur Boulevard; jurisdiction and control

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 60a. Reservation of parking spaces for Members of Congress.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 64. Jurisdiction over portion of B Street.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 71a. Federal and District planning agencies in National Capital.

(a)(1) National Capital Planning Commission; creation; central Federal agency; functions; excepted functions.

The National Capital Planning Commission (hereinafter referred to as the "Commission") is created as the central Federal planning agency for the Federal Government in the National Capital, and to preserve the important historical and natural features thereof, except with respect to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, and to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol.

(2) Commissioner of District of Columbia; central local agency; functions; excepted functions; comprehensive plan for District; procedures for citizen participation and consultations with nonfederal agencies.

The Commissioner of the District of Columbia (hereinafter referred to as the "Commissioner") shall be the central planning agency for the government of the District of Columbia (hereinafter referred to as the "District") in the National Capital. The Commissioner shall be responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of public works for the District, and physical, social, economic, transportation, and population elements. The Commissioner's planning responsibility shall not extend to Federal or international projects and developments in the District, as determined by the Commission, or to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, or to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibility under this section, the Commissioner shall establish procedures for citizen participation in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan (including amendments thereto) affecting or relating to the District.

(3) Comprehensive plan for District; functions of Commissioner and Council respecting impact on Federal Establishment.

The Commissioner shall submit each District element of the comprehensive plan and any amendment thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit each such element or amendment to the Commission for review and comment with regard to the impact of such element or amendment on the interests or functions of the Federal Establishment in the National Capital.

(4) Same; certifications; incorporation and implementation; Council's action; joint publication of Federal activities elements and District elements; time limitation extension, authority of Council; joint establishment of procedures for consultations throughout planning process.

(A) The Commission shall, within sixty days after receipt of such a District element of the comprehensive plan, or amendment thereto, from the Council, certify to the Council whether such element or amendment has a negative impact on the interests or functions of the Federal Establishment in the National Capital. If within such sixty days the Commission takes no action with respect to such element or amendment, such element or amendment shall be deemed to have no such negative impact, and such element or amendment shall be incorporated into the comprehensive plan for the National Capital and shall be implemented.

(B) If the Commission finds, within such sixty days, such negative impact, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's findings and recommendations, the Council may—

(i) reject such findings and recommendations and resubmit such element or amendment, in a modified form, to the Commission for reconsideration; or

(ii) accept such findings and recommendations and modify such element or amendment accordingly.

If the Council accepts such findings and recommendations and modifies such element or amendment under clause (ii), the Council shall submit such element or amendment to the Commission for it to determine whether such modification has been made in accordance with the Commission's findings and recommendations. If, within thirty days after receipt of the modified element or amendment, the Commission takes no action with respect to such element or amendment, it shall be deemed to have been modified in accordance with such findings or recommendations, and shall be incorporated into the comprehensive plan for the National Capital and shall be implemented. If within such thirty days, the Commission again determines such element or amendment to have a negative impact on the functions or interests of the Federal Establishment in the National Capital such element or amendment shall not be implemented.

(C) If the Council rejects the findings and recommendations of the Commission and resubmits a modified element or amendment to it under clause (i), the Commission shall, within sixty days after receipt of such modified element or amendment from the Council, determine whether such modified element or amendment has a negative impact on the interests or functions of the Federal Establishment within the National Capital. If the Commission finds such negative impact it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council, and such element or amendment shall not be implemented. If the Commission takes no action with respect to such modified element or amendment within such sixty days, such modified element or amendment shall be deemed to have no such negative impact and shall be incorporated into the comprehensive plan and it shall be implemented. Any element or amendment which the Commission has determined to have a negative impact on the Federal Establishment in the National Capital, and which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission shall be deemed to be a new element or amendment for purposes of the review procedure specified in this section.

(D) The Commission and the Commissioner shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the elements of the comprehensive plan for the Federal activities in the National Capital developed by the Commission, and the District elements developed by the Commissioner and the Council in accordance with the provisions of this section.

(E) The Council may grant, upon request made to it by the Commission, an extension of any time limitation contained in this section.

(F) The Commission and the Commissioner shall jointly establish procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital.

(b) National Capital Planning Commission; official members; citizen members: qualifications, terms of office, vacancies, compensation.

The National Capital Planning Commission shall be composed of—

(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Commissioner, the Chairman of the District of Columbia Council, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Commissioner. The citizen members appointed by the Commissioner shall be bona fide residents of the District of Columbia and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of the members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Commissioner shall serve for four years. The members first appointed under this section shall assume their office on January 2, 1975. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.

* * * * *

(e) General scope of functions.

As hereinafter more specifically described in sections 71c to 71g of this title, it shall be among the principal duties of the Commission to (1) prepare, adopt, and amend a comprehensive plan for the Federal activities in the National Capital and make related recommendations to the appropriate developmental agencies; (2) serve as the central planning agency for the Federal Government within the National Capital region, and in such capacity to review their development programs in order to advise as to consistency with the comprehensive plan; and (3) be the representative of the Federal and District Governments for collaboration with the National Capital Regional Planning Council, as hereinafter provided. (As amended Dec. 24, 1973, Pub. L. 93–198, title II, § 203 (a), (b), 87 Stat. 779, 782.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–198, § 203(a), incorporated existing subsec. (a) text in provisions designated as par. (1), made the Commission the central Federal planning agency only for the Federal Government in the National Capital, except certain areas from the Commission's jurisdiction, and added pars. (2) to (4).

Subsec. (b)(1). Pub. L. 93–198, § 203(a), substituted as members ex officio: Secretary of Interior, Secretary of

Defense, Administrator of General Services Administration, Commissioner, Chairman of District of Columbia Council for former such members: Chief of Engineers of Army, Engineer Commissioner of District of Columbia, Director of National Park Service, Commissioner of Public Buildings, Federal Highway Administrator, and Administrator of National Capital Transportation Agency, and substituted provision for designation of alternates for service in stead of any official for former such provision applicable only to committees on the District of Columbia of the Senate and the House of Representatives.

Subsec. (b)(2). Pub. L. 93–198, § 203(a), substituted provisions for: citizen members with experience in planning for former provision for such membership from eminent citizens well qualified and experienced in planning; appointment by President of three members, including one each for Virginia and Maryand, for six year terms, including initial appointments for two and four year terms, and by Commissioner of two members from the District for four year terms for former provision for such appointment by President, including two members from the District or the environs, including one appointee from three nominees of Commissioner of the District, for six year terms; compensation of $100 per each day of actual service and necessary expenses for former provision for a per diem allowance and travel costs; provided for assumption of office by first appointees on Jan. 2, 1975; and deleted provisions respecting: waiver of professional requirements of District appointees of demonstrated capacity for leadership in planning and development of the District, service of unexpired terms of appointive members of National Capital Park and Planning Commission as members of National Capital Planning Commission, and expiration of initial appointments on Apr. 30, 1953, 1954, 1955, 1956, and 1957, and every six years after such appointments.

Subsec. (e)(1). Pub. L. 93–198, § 203(b)(1), substituted "Federal activities in the National Capital" for "National Capital".

Subsec. (e)(2). Pub. L. 93–198, § 203(b)(2), substituted "government" for "and District Governments,".

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

DEFINITIONS

The definitions appearing in section 1–122 of the District of Columbia Code apply to terms appearing in the 1973 amendment of this section.

§ 71c. Comprehensive plan for the National Capital.

(a) Preparation and adoption by Commission.

The Commission is hereby charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission's recommendations or proposals for Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without change. The Commission shall collaborate with the National Capital Regional Planning Council in the development of those elements of the plan for the National Capital which should be incorporated in the regional plan provided for in section 71b of this title. While consistency between the respective proposals of the Commission and the National Capital Regional Planning Council shall be sought, lack of action or agreement by the National Capital Regional Planning Council shall not prevent the Commission from adopting any part of its plan or any recommendation or proposal for Federal developments or projects in the environs. The Commission may include in its plan any portion of any plan adopted by the National Capital Regional Planning Council or any planning agency in the environs and from time to time make recommendations of collateral interest to the National Capital Regional Planning Council or to the aforesaid agencies.

(b), (c) Repealed. Pub. L. 93–198, title II, § 203(c)(3), Dec. 24, 1973, 87 Stat. 782.

* * * * *

(As amended Dec. 24, 1973, Pub. L. 93–198, title II, § 203(c), 87 Stat. 782.)

AMENDMENTS

1973—Subsec. (a) first sentence. Pub. L. 93–198, § 203(c)(1), inserted introductory "hereby" and substituted "Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without charge" for "Federal and District developments or projects in the environs".

Subsec. (a) third sentence. Pub. L. 93–198, § 203(c)(2), struck out "within the District of Columbia" following "part of its plan" and "or District" from phrase "Federal or District developments or projects".

Subsecs. (b), (c). Pub. L. 93–198, § 203(c)(3), repealed provisions of subsec. (b) relating to contents of comprehensive plan and of subsec. (c) relating to generalized elements of comprehensive plan. See comprehensive plan provisions of section 71a(a) of this title.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to section 1–141 and 1–161 of the District of Columbia Code.

DEFINITIONS

The definitions appearing in section 1–122 of the District of Columbia Code apply to terms appearing in the 1973 amendment of this section.

EX. ORD. NO. 11815. DELEGATION OF PRESIDENTIAL FUNCTION OF ESTABLISHING METES AND BOUNDS OF NATIONAL CAPITAL SERVICE AREA

Ex. Ord. No. 11815, Oct. 23, 1974, 39 F.R. 37963, provided:

By virtue of the authority vested in me by section 739 (g) of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 828; Public Law 93–198), and as President of the United States, the Chairman of the National Capital Planning Commission is authorized and directed to exercise all authority and to carry out all duties vested in the President by section 739 (g) of the above cited law with respect to establishing the metes and bounds of the National Capital Service Area. Prior to establishing said metes and bounds, the Chairman shall consult with the appropriate representative of the District of Columbia Government.

GERALD R. FORD.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71i, 72a of this title.

§ 71d. Proposed Federal and District developments and projects.

* * * * *

(c) Approval of District Government buildings within central area; time for transmittal of approval or disapproval of such buildings.

The provisions of section 16 of the Act approved June 20, 1938 (D.C. Code, sec. 5–428), are extended to include public buildings erected by any agency of the Government of the District of Columbia within the boundaries of the central area of the District, as such central area may be defined and from time to time redefined by concurrent action of the Commission and the Council, except that the Commission shall transmit its approval or disapproval respecting any such building within thirty days after the day it was submitted to the Commission.

* * * * *

(e) Intent of section; interchange of plans, data, etc.

It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region. To aid the Commission in carrying out this function, plans, data, and records, or copies thereof, necessary to the Commission shall be furnished upon its request by such Federal and District governmental agencies; and the Commission shall likewise furnish related plans, data, and records, or copies thereof, to Federal and District of Columbia governmental agencies upon request. (As amended Dec. 24, 1973, Pub. L. 93–198, title II, § 203(d), 87 Stat. 782.)

AMENDMENTS

1973—Subsec. (c). Pub. L. 93–198, § 203(d)(1), provided for Commission transmittal of its approval or disapproval respecting any building within thirty days after the day it was submitted to the Commission.

Subsec. (e). Pub. L. 93–198, § 203(d)(2), in the first sentence, deleted "of the foregoing provisions" following the word "intent" and substituted "Federal Government" for "Federal and District Governments"; and in the second sentence, substituted "Federal activities" for "Federal and District Governments".

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

DEFINITIONS

The definitions appearing in section 1–122 of the District of Columbia Code apply to terms appearing in the 1973 amendment of this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72a, 616 of this title.

§ 71e. Repealed. Pub. L. 93–198, title II, § 203(e), Dec. 24, 1973, 87 Stat. 782.

Section, act June 6, 1924, ch. 270, § 6, as added July 19, 1952, ch. 949, §1, 66 Stat. 789, provided for inclusion in the comprehensive plan of thoroughfare and mass transportation plans, providing in former subsec. (a) for preparation and adoption of plans by Commission and submission, approval, and revision and in former subsec. (b) for consultations prior to adoption of a thoroughfare plan, recommendations, and procedure by Bureau of Public Roads.

§ 71f. Capital improvements.

(a) Six-year program of public works; recommendations and annual review; submission of advance programs.

The Commission shall recommend a six-year program of public works projects for the Federal Government which it shall review annually with the agencies concerned. To this end, each Federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

(b) Submission of multiyear capital improvement plan.

The Commissioner shall submit to the Commission, by February 1 of each year, a copy of the multiyear capital improvements plan for the District developed by him under section 444 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, § 47–223). The Commission shall have thirty days within which to comment upon such plan but shall have no authority to change or disapprove of such plan. (As amended Dec. 24, 1973, Pub. L. 93–198, title II, § 203(f), 87 Stat. 782.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–198 designated existing provisions as subsec. (a), inserted "for the Federal Government" following "public works projects", and deleted "and the District of Columbia Council" after "Federal agency".

Subsec. (b). Pub. L. 93–198 added subsec. (b).

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

DEFINITIONS

The definitions appearing in section 1–122 of the District of Columbia Code apply to terms appearing in the 1973 amendment of this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72a of this title.

§ 71g. Zoning regulations and maps, and subdivision of lands.

(a) Amendments of zoning regulations and maps.

The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5–417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the

National Capital. The Commission may also submit to the said Zoning Commission proposed amendments or general revisions to the zoning regulations or the zoning map for said District.

* * * * *

(As amended Dec. 24, 1973, Pub. L. 93–198, title II § 203(g), 87 Stat. 783.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–198 provided for the making of a report and recommendations as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5–417), including consistency of proposed amendments of zoning regulations and maps with the comprehensive plan, substituting "comprehensive plan for the National Capital" for "comprehensive plan of the District of Columbia" and deleted provision for Commission submission to the Zoning Commission of proposed amendments or general revisions to the zoning regulations or the zoning map for the District.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 711, 72a of this title.

§ 72. Acquisition of land by Commission.

DELEGATION OF FUNCTIONS

Authority of the President under the last sentence of this section to approve (i) the designation of lands to be acquired by condemnation, (ii) contracts for purchase of lands, and (iii) agreements between the National Capital Planning Commission and officials of the States of Maryland and Virginia delegated to the Director of the Office of Management and Budget, see section 9(4) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 72a. Acquisition of land by Commission subject to limited rights reserved to grantor; acquisition of limited permanent rights in land adjoining park property.

DELEGATION OF FUNCTIONS

Authority of the President under this section to approve contracts for acquisition of land subject to limited rights reserved to the grantor and for the acquisition of limited permanent rights in land adjoining park property delegated to the Director of the Office of Management and Budget, see section 9(5) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 72b. Lease of lands acquired for park, parkway, or playground purposes.

The Administrator of General Services is authorized, subject to the approval of the National Capital Planning Commission, to lease, for a term not exceeding five years, and to renew such lease, subject to such approval, for an additional term not exceeding five years, pending need for their immediate use in other ways by the public, and on such terms as the Administrator shall determine, land or any existing building or structure on land acquired for park, parkway, or playground purposes. (Dec. 22, 1928, ch. 48, § 2, 45 Stat. 1070.)

CODIFICATION

Section is set out in this Supplement to correct error in the main edition.

§ 72c. Power to sell lands.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 72d. Same; expense of sales.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

TRANSFER OF FUNCTIONS

Reference to the Board of Commissioners of the District of Columbia has been changed to Commissioner of the District of Columbia pursuant to section 401 of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees. Section 402(192) of Reorg. Plan No. 3 of 1967 transferred the regulatory and other functions of the Board of Commissioners relating to the making of a finding that real estate is no longer required for a public purpose to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of the Reorg. Plan No. 3 of 1967.

§ 72e. Same; execution of deeds to lands.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

TRANSFER OF FUNCTIONS

Reference to the Board of Commissioners of the District of Columbia has been changed to Commissioner of the District of Columbia pursuant to section 401 of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees.

§ 73c. Authorization of appropriations for expenses, and acquisition of lands by Commission; assignment of playground areas; control of lands outside District.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of

the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 74. Annual reports of Commission to Congress; estimates for Office of Management and Budget.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 79. Transfers of jurisdiction between Director of National Park Service and District of Columbia Council.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 100. Part of Washington Aqueduct for playground purposes.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 121. Regulation of height, design, and construction of private and semipublic buildings adjacent to public buildings and grounds; building permits.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 129a. Courthouse construction authorized; cost; repayment to United States.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 132. Declaration of policy; coordinated development and management.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 136. National Capital Service Area.

(a) Establishment.

There is established within the District of Columbia the National Capital Service Area which shall include, subject to the following provisions of this section, the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (e) of this section.

(b) National Capital Service Director.

There is established in the Executive Office of the President the National Capital Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided, utilizing District of Columbia governmental services to the extent practicable, within the area specified in subsection (a) of this section and particularly described in subsection (e) of this section, adequate fire protection and sanitation services. Except with respect to that portion of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined in sections 193a and 193m of this title, the United States Supreme Court Building and Grounds as defined in section 13p of this title, and the Library of Congress Buildings and Grounds as defined in section 167j of title 2, the National Capital Service Director shall assure that there is provided within the remainder of such area specified in subsection (a) of this section and subsection (e) of this section, adequate police protection and maintenance of streets and highways.

(c) Personnel; compensation.

The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314 of Title 5. The Director may appoint, subject to the provisions of Title 5 governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 [1] of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Presidential report to Congress.

(1) Within one year after January 2, 1975, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability

[1] So in original. Probably should be "subchapter III".

of combining the Executive Protective Service and the United States Park Police within the National Capital Service Area, and placing them under the National Capital Service Director.

(2) Such report shall include such recommendations, including recommendations for legislative and executive action, as the President deems necessary in carrying out the provisions of paragraph (1) of this subsection.

(e) Boundaries.

(1)(A) The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capitol Street;

thence northwest on Canal Street Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northern most point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of December 24, 1973, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall—

(A) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not be construed to include any area situated outside of the District of Columbia boundary as it existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(f) Presidential survey; map and description.

(1) Subject to the provisions of paragraph (2) of this subsection, the President is authorized and directed to conduct a survey of the area described in this section in order to establish the proper metes and bounds of such area, and to file, in such manner and at such place as he may designate, a map and a legal description of such area, and such description and map shall have the same force and effect as if included in this section, except that corrections of clerical, typographical and other errors in any such legal descriptions and map may be made. In conducting such survey, the President shall make such adjustments as may be necessary in order to exclude from the National Capital Service Area any privately owned properties, and buildings and adjacent parking facilities owned by the District of Columbia government.

(2) In carrying out the provisions of paragraph (1) of this subsection, the President shall, to the extent that such survey, legal description, and map involves areas comprising the United States Capitol Buildings and Grounds as defined in sections 193a and 193m of this title, and other buildings and grounds under the care of the Architect of the Capitol, consult with the Architect of the Capitol.

(g) Creation of National Capital Service Area not to affect existing provisions covering buildings and grounds within Area; availability of services and facilities.

(1) Except to the extent specifically provided by the provisions of this section, and amendments made by this section, nothing in this section shall be applicable to the United States Capitol Buildings and Grounds as defined in sections 193a and 193m of this title, or to any other buildings and grounds under the care of the Architect of the Capitol, the United States Supreme Court Building and Grounds as defined in section 13p of this title, and the Library of Congress Buildings and Grounds as defined in section 167j of Title 2, and except to the extent herein specifically provided, including amendments made by this section, nothing in this section shall be construed to repeal, amend, alter, modify, or supersede any provision of the Act of July 31, 1946, or any other of the general laws of the United States or any of the laws enacted by the Congress and applicable exclusively to the District of Columbia, or any rule or regulation promulgated pursuant thereto, in effect on January 1, 1975, pertaining to said buildings and grounds, or any existing authority, with respect to such buildings and grounds, vested by law, or otherwise, on such date, in the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch, the Chief Justice of the United States, the Marshall of the Supreme Court of the United States, or the Librarian of Congress.

(2) Notwithstanding the foregoing provision of this section, any of the services and facilities authorized by the District of Columbia Self-Government and Governmental Reorganization Act to be rendered or furnished (including maintenance of streets and highways, and services under section 685a of Title 31) shall, as far as practicable, be made available to the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch vested by law or otherwise on January 1, 1975, with authority over such buildings and grounds, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, and the Librarian of Congress, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to any other Federal agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the parties rendering and receiving such services).

(h) Continued application of laws, rules, and regulations covering areas within National Capital Service Area.

Except to the extent otherwise specifically provided in the provisions of this section, and amendments made by this section, all general laws of the United States and all laws enacted by the Congress and applicable exclusively to the District of Columbia, including regulations and rules promulgated pursuant thereto, in effect on January 1, 1975, and which, on such date, are applicable to and within the areas included within the National Capital Service Area pursuant to this section shall, on and after January 2, 1975, continue to be applicable to and within such National Capital Service Area in the

same manner and to the same extent as if this section had not been enacted, and shall remain so applicable until such time as they are repealed, amended, altered, modified, or superseded, and such laws, regulations and rules shall thereafter be applicable to and within such area in the manner and to the extent so provided by any such amendment, alteration, or modification.

(i) Residency within National Capital Service Area.

In no case shall any person be denied the right to vote or otherwise participate in any manner in any election in the District of Columbia solely because such person resides within the National Capital Service Area. (Pub. L. 93–198, title VII, § 739(a)–(c), (e)–(g)(2), (h)–(j), Dec. 24, 1973, 87 Stat. 825.)

CODIFICATION

Section consists of subsecs. (a), (b), (c), (e), (f), (g)(1), (2), (h), (i), and (j) of section 739 of Pub. L. 93–198, which for purposes of codification were designated subsecs. (a), (b), (c), (d), (e), (f)(1), (2), (g), (h), and (i), respectively, of this section. Subsecs. (d) and (g)(3)–(9) of section 739 of Pub. L. 93–198 made amendments to other sections of this title and Title 2, The Congress, and to the District of Columbia Code. See Tables volume.

Section is also set out in section 9–146 of the District of Columbia Code.

REFERENCES IN TEXT

"This section", included within the phrase "as if included in this section" in subsec. (f)(1), was in the original "this Act" meaning the District of Columbia Self-Government and Governmental Reorganization Act, Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 774, which enacted this section. For additional classifications of Pub. L. 93–198, see Tables volume.

The Act of July 31, 1946, referred to in subsec. (g)(1), is act July 31, 1946, ch. 707, 60 Stat. 718, which is classified to section 193a et seq. of this title.

The District of Columbia Self-Government and Governmental Reorganization Act, referred to in subsec. (g)(2), is Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 774, which enacted this section. For additional classifications of Pub. L. 93–198, see Tables volume.

The amendments made by this section, referred to in subsecs. (g)(1) and (h), means the amendments made by section 739(d) and (g)(3)–(9) of Pub. L. 93–198. See Codification note under this section.

Chapter 2.—CAPITOL BUILDING AND GROUNDS

Sec.
166b–2. Registered Nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings; allocation to General Schedule salary grade.
166b–5. Withholding and remittance of State income tax by Architect of the Capitol [New].
(a) Agreement by Architect with appropriate State official; covered individuals.
(b) Number of remittances authorized.
(c) Requests by individuals of secretary for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations.
(d) Time or times of agreements by Architect.
(e) Provisions as not imposing duty, burden, requirement or penalty upon United States or any officer or employee of United States.
(f) Definitions.
166d. Rental or lease of storage space [New].
166e. Same; funds out of Contingent Expenses, Architect of the Capitol [New].
174j–8. Management personnel and miscellaneous expenses; availability of appropriations; annual and sick leave [New].
Sec.
206a–1. Same; establishment of additional positions [New].
206a–2. Same; compensation of persons appointed to additional positions [New].
206a–3. Same; payment of costs of uniforms, equipment, and other expenses for persons appointed to additional positions [New].
206b. Same; emergency duty overtime pay from funds disbursed by the Clerk of the House of Repsentatives [New].
(a) Entitlement of officer or member.
(b) Determination of rate of compensation.
(c) Written election by officer for compensation or compensatory time off for adtional hours of duty.
(d) Certification procedure for additional compensation.
(e) Transfer of accrued compensatory time off or receipt of lump-sum payment upon termination of service.
(f) Definitions.
(g) Contingent fund of House available for payment of overtime pay.
206c. Same; emergency duty overtime pay from funds disbursed by the Secretary of the Senate [New].
216b. Utilization of personnel by Architect of the Capitol for maintenance and operation of Botanic Garden [New].

§ 162a. Same; compensation.

The compensation of the Architect of the Capitol shall be at an annual rate which is equal to the rate for positions at level IV of the Executive Schedule. (As amended Pub. L. 94–82, title II, § 204(b), Aug. 9, 1975, 89 Stat. 421.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in text, is set out in section 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

1975—Pub. L. 94–82 substituted provision setting compensation of the Architect at an annual rate equal to the rate for positions at level IV of the Executive Schedule for provision setting compensation at $38,000 per annum.

§ 166a. Same; travel expenses.

REPEATED

Pub. L. 92–51, § 101, July 9, 1971, 85 Stat. 137; Pub. L. 92–342, § 101, July 10, 1972, 86 Stat. 442; Pub. L. 93–145, § 101, Nov. 1, 1973, 87 Stat. 540; Pub. L. 93–371, § 101, Aug. 13, 1974, 88 Stat. 437; Pub. L. 94–59, title V, § 500, July 25, 1975, 89 Stat. 287.

§ 166b. Compensation of Assistant Architect of Capitol.

The compensation of the Assistant Architect of the Capitol shall be at an annual rate which is equal to the rate for positions at level V of the Executive Schedule. (As amended Pub. L. 94–82, title II, § 204(b), Aug. 9, 1975, 89 Stat. 421.)

REFERENCES IN TEXT

Level V of the Executive Schedule, referred to in text, is set out in section 5316 of Title 5, Government Organization and Employees.

AMENDMENTS

1975—Pub. L. 94–82 substituted provision for compensation of the Assistant Architect of the Capitol at an annual rate equal to the rate for positions at level V of the Executive Schedule for provision for compensation at the rate of $36,000 per annum.

§ 166b–2. Registered Nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings; allocation to General Schedule salary grade.

Notwithstanding any other provision of law, effective on the first day of the first applicable pay period which begins on or after December 27, 1974, the positions of registered nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings, shall be allocated by the Architect of the Capitol to grade 10 of the General Schedule and compensated initially at the same steps in such grade, currently in effect for their present grades, so long as such positions are held by the present incumbents.

Notwithstanding any other provision of law, effective January 1, 1975, none of the funds appropriated to the Architect of the Capitol shall thereafter be available for any nursing position unless the position is occupied by a Registered Nurse: *Provided,* That such provision shall not be applicable to the present incumbents of such positions. (Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777.)

PRIOR PROVISIONS

A prior section 166b–2, Pub. L. 85–462, § 4 (j), (t), June 20, 1958, 72 Stat. 208, 209, which established the position of Chief Nurse in the Senate Office Building, under the Office of the Architect of the Capitol, and set forth the salary grade for each position of nurse under the Architect of the Capitol, has been omitted from this Code as superseded.

§ 166b–3. Authorization to fix basic rate of compensation for certain positions.

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to chapter 51 and subchapter III of chapter 53 of Title 5, to fix the compensation of three positions under the appropriation "Salaries, Office of the Architect of the Capitol", of two positions under the appropriation "Capitol Buildings", and of one position under the appropriation "House Office Buildings" at a basic rate of $8,200 per annum each: *Provided,* That this provision shall not be applicable to the positions of Architect, Assistant Architect, or Second Assistant Architect of the Capitol.

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to chapter 51 and subchapter III of chapter 53 of Title 5, to fix the compensation of one position under the appropriation "Senate Office Buildings", at a basic rate of $8,200 per annum. (As amended Pub. L. 94–157, title I, ch. IV, Dec. 18, 1975, 89 Stat. 835.)

AMENDMENTS

1975—Pub. L. 94–157 increased to two positions from one position the number of positions under the appropriation "Capitol Buildings".

§ 166b–5. Withholding and remittance of State income tax by Architect of the Capitol.

(a) Agreement by Architect with appropriate State official; covered individuals.

Whenever—

(1) the law of any State provides for the collection of an income tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and

(2) such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State;

then the Architect of the Capitol is authorized, in accordance with the provisions of this section, to enter into an agreement with the appropriate official of that State to provide for the withholding and remittance of sums for individuals—

(A) employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant; and

(B) who request the Architect to make such withholdings for remittance to that State.

(b) Number of remittances authorized.

Any agreement entered into under subsection (a) of this section shall not require the Architect to remit such sums more often than once each calendar quarter.

(c) Requests by individuals of Secretary for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations.

(1) An individual employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant may request the Architect to withhold sums from his pay for remittance to the appropriate authorities of the State that he designates. Amounts of withholdings shall be made in accordance with those provisions of the law of that State which apply generally to withholding by employers.

(2) An individual may have in effect at any time only one request for withholdings, and he may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholdings is effective on the first day of the first pay period commencing on or after the day on which the request is received in the Office of the Architect, the Botanic Garden Office, or the Senate Restaurant Accounting Office except that—

(A) when the Architect first enters into an agreement with a State, a request for withholdings shall be effective on such date as the Architect may determine; and

(B) when an individual first receives an appointment, the request shall be effective on the day of appointment, if the individual makes the request at the time of appointment.

(3) An individual may change the State designated by him for the purposes of having withholdings made and request that the withholdings be remitted in accordance with such change, and he may also revoke his request for withholdings. Any change in the State designated or revocation is effective on the first day of the first pay period commencing on or after the day on which the request for change or the revocation is received in the appropriate office.

(4) The Architect is authorized to issue rules and regulations he considers appropriate in carrying out this subsection.

(d) Time or times of agreements by Architect.

The Architect may enter into agreements under subsection (a) of this section at such time or times as he considers appropriate.

(e) Provisions as not imposing duty, burden, requirement or penalty upon United States or any officer or employee of United States.

This section imposes no duty, burden, or requirement upon the United States, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section.

(f) Definitions.

For the purposes of this section, "State" means any of the States of the United States. (Pub. L. 94–59, title V, § 501, July 25, 1975, 89 Stat. 290.)

CROSS REFERENCES

Withholding State income taxes—
Generally, see section 5517 of Title 5, Government Organization and Employees.
Clerk and Sergeant at Arms of the House of Representatives, see section 60e–1a of Title 2, The Congress.
Secretary of the Senate, see section 60c–3 of Title 2, The Congress.

§ 166d. Rental or lease of storage space.

Notwithstanding any other provision of law, the Architect of the Capitol, with the approval of the House Office Building Commission and Senate Committee on Rules and Administration, is authorized to secure, through rental, lease, or other appropriate agreement, storage space in areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds for use of the United States Senate, the United States House of Representatives, and the Office of the Architect of the Capitol, under such terms and conditions as such Commission and committee may authorize, and to incur any necessary incidental expenses in connection therewith. (Pub. L. 93–180, § 1, Dec. 13, 1973, 87 Stat. 704.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166e of this title.

§ 166e. Same; funds out of Contingent Expenses, Architect of the Capitol.

Any expenditures required to implement the provisions of section 166d of this title shall be paid from the appropriation 'Contingent Expenses, Architect of the Capitol' and any funds appropriated under this head shall hereafter be available for such purpose. (Pub. L. 93–180, § 2, Dec. 13, 1973, 87 Stat. 705.)

§ 174b–1. Same; additional office building.

NORTH CAPITOL PLAZA BUILDING; CONTINUATION OF AUTHORITY FOR LEASE AND SUBLEASE OF PROPERTY; LEASED PROPERTY AS PART OF SENATE OFFICE BUILDINGS; RENT LIMITATIONS; NECESSITY OF SENATE RESOLUTION; TERM OF LEASE; PURCHASE OPTION

Pub. L. 94–157, title I, § 112, Dec. 18, 1975, 89 Stat. 832, provided that:

"(a) Notwithstanding any other provision of law, the Sergeant at Arms of the Senate, subject to the approval of the Committee on Rules and Administration, and the Committee on Appropriations, is authorized to lease, for use by the United States Senate, and for such other purposes as such committees may approve, all or any part of the property located at 400 North Capitol Street, Washington, District of Columbia, known as the 'North Capitol Plaza Building': *Provided*, That rental payments under such lease for the entire property shall not exceed $3,375,000 per annum, exclusive of amounts for reimbursement for taxes paid and utilities furnished by the lessor: *Provided further*, That a lease shall not become effective until approved by Senate Resolution. Prior to such approval process the General Accounting Office shall examine the terms of the proposed lease and shall report to the Senate on its reasonableness, taking into account such factors as rental rates for similar space, advantages of proximity, and possible alternative arrangements. Such payments shall be paid from the Contingent Fund of the Senate upon vouchers approved by the Sergeant at Arms: *Provided further*, That such lease may be for a term not in excess of five years, and shall contain an option to purchase such property, and shall include such other terms and conditions as such committees may determine to be in the best interests of the Government: *Provided further*, That nothing in this section shall be construed so as to obligate the Senate or any of its Members, officers, or employees to enter into any such lease or to imply any obligation to enter into any such lease.

"(b) Notwithstanding any other provision of law, property leased under authority of subsection (a) shall be maintained by the Architect of the Capitol as part of the 'Senate Office Buildings' subject to the laws, rules, and regulations governing such buildings, and the Architect is authorized to incur such expenses as may be necessary to provide for such occupancy.

"(c) Notwithstanding any other provision of law, the Sergeant at Arms of the Senate, subject to the approval of the Committee on Rules and Administration and the Committee on Appropriations, is authorized to sublease any part of the property leased under authority of subsection (a) which is in excess of the requirements of the Senate. All rental payments under any such sublease shall be paid to the Sergeant at Arms of the Senate and such amounts shall thereupon be added to and merged with the appropriation 'Miscellaneous Items' under the Contingent Fund of the Senate.

"(d) Notwithstanding any other provision of law, upon the approval of the Committee on Rules and Administration and the Committee on Appropriations, the Secretary of the Senate shall transfer by voucher or vouchers to the Architect of the Capitol from the 'Contingent Fund of the Senate' such amounts as may be necessary for the Architect of the Capitol to carry out the provisions of subsection (b) and such amounts shall thereupon be added to and merged with the appropriation 'Senate Office Buildings'.

"(e) The authority under this section shall continue until otherwise provided by law."

CONSTRUCTION OF EXTENSION TO NEW SENATE OFFICE BUILDING

Pub. L. 93–245, ch. VI, § 600, Jan. 3, 1974, 87 Stat. 1079, appropriated funds for the construction of an extension of the Senate subway transportation system, construction of additional floor levels on the rear center wing of the Dirksen Office Building, changes to the Dirksen and Russell Office Buildings to provide improved means of circulation to, in, and through those buildings and the extension, and other changes required to properly correlate use of the three buildings.

Pub. L. 92–607, ch. V, § 508, Oct. 31, 1972, 86 Stat. 1510, appropriated funds for the construction and equipment of an extension to the New Senate Office Building and for structural and other changes in the existing New Senate Office Building necessitated by such construction.

ACQUISITION OF PROPERTY AS SITE FOR PARKING FACILITIES FOR SENATE

Pub. L. 92–607, ch. V, § 508, Oct. 31, 1972, 86 Stta. 1510, as amended by Pub. L. 93–305, title I, ch VIII, § 801, June 8, 1974, 88 Stat. 206, authorized the Architect of the Capitol to acquire certain real property as a site for parking facilities for the Senate, with such property to become a part of the United States Capitol Grounds upon acquisition.

DEVELOPMENT OF PLANS FOR GARAGE AND RELATED FACILITIES FOR SENATE

Pub. L. 92–607, ch. V, § 508, Oct. 31, 1972, 86 Stat. 1512, authorized the Architect of the Capitol to conduct a study of design and cost alternatives for construction of a parking garage and to establish an architectural design competition for design of the garage structure.

ACQUISITION OF PROPERTY TO EXTEND ADDITIONAL SENATE OFFICE BUILDING SITE

Pub. L. 92–184, ch. IV, § 401, Dec. 15, 1971, 85 Stat. 637, authorized the Architect of the Capital to acquire certain real property for purposes of extension of Additional Senate Office Building Site or for Additions to United States Capitol Grounds.

§ 174j–4. Special deposit account; establishment; appropriations; approval of payments.

There is established with the Treasurer of the United States a special deposit account in the name of the Architect of the Capitol for the United States Senate Restaurants, into which shall be deposited all sums received pursuant to sections 174j–1 to 174j–7 of this title or any amendatory or supplementary resolutions hereafter adopted and from the operations thereunder and from which shall be disbursed the sums necessary in connection with the exercise of the duties required under sections 174j–1 to 174j–7 of this title or any amendatory or supplementary resolutions and the operations thereunder. Any amounts appropriated for fiscal year 1973 and thereafter from the Treasury of the United States, which shall be part of a "Contingent Expenses of the Senate" item for the particular fiscal year involved, shall be paid to the Architect of the Capitol by the Secretary of the Senate at such times and in such sums as the Senate Committee on Rules and Administration may approve. Any such payment shall be deposited by the Architect in full under such special deposit account. (As amended Pub. L. 92–51, § 101, July 9, 1971, 85 Stat. 129; Pub. L. 92–342, § 101, July 10, 1972, 86 Stat. 435.)

AMENDMENTS

1972—Pub. L. 92–342 substituted provision that amounts appropriated for 1973 and thereafter which shall be part of "Contingent Expenses of the Senate" be paid to the Architect of the Capitol, for provision that amounts appropriated for 1972 and thereafter specifically for Senate Restaurants as "Contingent Expenses of the Senate" be paid to the Architect of the Capitol.

1971—Pub. L. 92–51 substituted "amounts appropriated for fiscal year 1972 and thereafter" for Senate Restaurants for "amounts hereafter appropriated" for such Restaurants, provision that amounts appropriated specifically for such Restaurants as a Contingent Expense of the Senate item for fiscal year involved shall be paid to the Architect of the Capitol, for prior provision declaring amounts appropriated for such Restaurants shall be a part of such Restaurants as a Contingent Expense of the Senate for fiscal year involved and for payment of such part to the Architect of the Capitol, and provision for approval of payments by Senate Committee on Rules and Administration, including the times for payments, for prior provision for payments as appropriations shall specify.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b–1f, 174j–3 of this title; title 5 section 5533.

§ 174j–8. Management personnel and miscellaneous expenses; availability of appropriations; annual and sick leave.

Hereafter, appropriations for the "Senate Office Buildings" shall be available for employment of management personnel of the Senate restaurant facilities and miscellaneous restaurant expenses (except cost of food and cigar stand sales) and, in fixing the compensation of such personnel, the compensation of four positions hereafter to be designated as Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer shall be fixed by the Architect of the Capitol without regard to chapter 51 and subchapter III and IV of chapter 53 of Title 5, and shall thereafter be adjusted in accordance with section 5307 of Title 5. Annual and sick leave balances of such personnel, as of July 9, 1971, shall be credited to the leave accounts of such personnel, subject to the provisions of section 6304 of Title 5, upon their transfer to the appropriation for Senate Office Buildings and such personnel shall continue, while employed by the Architect of the Capitol, to earn leave at rates not less than their present accrual rates. (Pub. L. 92–51, § 101, July 9, 1971, 85 Stat. 138, amended Pub. L. 94–59, title V, § 500, July 25, 1975, 89 Stat. 289.)

AMENDMENTS

1975—Pub. L. 94–59 inserted references to the compensation of the Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer.

§ 175. House Office Building; control, supervision, and care.

ADDITIONAL HOUSE OFFICE BUILDING

Pub. L. 94–6, Ch. I, Feb. 28, 1975, 89 Stat. 12, provided in part that: "Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purposes of providing office and other accommodations for the House of Representatives, the building located on Square 581 in the District of Columbia when such Square, including the improvements thereon, is acquired by the Architect of the Capitol at the direction of the House Office Building Commission under authority of the Additional House Office Building Act of 1955 [set out as a note under this section], and to incur any expenditures under this appropriation [$15,000,000 for fiscal year ending June 30, 1975, to remain available until expended] required for alterations, maintenance, and occupancy thereof, and (2) prior to occupancy of the entire building by the House of Representatives, to permit the temporary occupancy by other governmental activities of any part of such building not so occupied, under such terms and conditions as such Commission may authorize: *Provided further*, That any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the 'House Office Buildings' and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings."

USE OF CONGRESSIONAL HOTEL AS HOUSE OFFICE BUILDING; LEASE OF UNUSED SPACE

Pub. L. 92–313, § 8, June 16, 1972, 86 Stat. 222, provided that:

"(a) Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purpose of providing office and other accommodations for the House of Representatives, the building, known as the Congressional Hotel, acquired by the Government in 1957 as part of Lot 20 in Square 692 in the District of Columbia under authority of the Additional House Office Building Act of 1955 [set out as a note under this section] and (2) to direct the Architect of the Capitol to lease, at fair market value, for such other use and under such terms and conditions and to such parties as such Commission may authorize, any space in such building not required for the aforesaid purpose.

"(b) Any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the 'House Office Buildings'

and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings."

For effective date of section 8 of Pub. L. 92–313, see section 11 of Pub. L. 92–313, set out as a note under section 603 of this title.

COMPENSATION OF SUPERINTENDENT OF GARAGES OF HOUSE OFFICE BUILDINGS

Pub. L. 93–145, § 101, Nov. 1, 1973, 87 Stat. 542, provided that: "From and after April 1, 1973, the compensation of the Superintendent of Garages shall be at the gross annual rate of $25,000 subject to the further increases authorized under 5 U.S.C. 5307(a)(1)(B) relating to the implementation of salary comparability policy."

COMPENSATION OF PERSONNEL ASSIGNED TO THE HOUSE GARAGES IN CONNECTION WITH PARKING ACTIVITIES

Pub. L. 93–245, Ch. VI, § 600, Jan. 3, 1974, 87 Stat. 1079, provided that: "Effective on the first day of the first applicable pay period which begins on or after the date of enactment of this Act [Jan. 3, 1974], the compensation of personnel assigned to the House garages in connection with parking activities and paid from the appropriation 'House Office Building' under the Architect of the Capitol, shall be fixed by the Architect of the Capitol without regard to chapter 51 and subchapters III and IV of chapter 53 of title 5, United States Code, and shall thereafter be adjusted in accordance with 5 U.S.C. 5307."

ADDITIONAL PARKING SPACE FOR HOUSE EMPLOYEES

House Resolution No. 208, Ninety-fourth Congress, Feb. 24, 1975, as enacted into permanent law by Pub. L. 94–59, title II, § 201, July 25, 1975, 89 Stat. 282, provided:

"That the chairman, Committee on House Administration is authorized:

"(1) to lease or to otherwise provide additional indoor and outdoor parking facilities for employees of the House of Representatives in an area or areas in the District of Columbia outside but adjacent to the limits of the United States Capitol Grounds;

"(2) to regulate and assign such additional parking facilities;

"(3) to utilize the United States Capitol Police with respect to such parking areas, and transit routes; and

"(4) to utilize the services of the Architect of the Capitol to prepare bids, leases, or otherwise assist in obtaining such additional parking facilities.

Until otherwise provided by law, there shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this authorization."

Pub. L. 93–305, title I, ch. VIII, § 801, June 8, 1974, 88 Stat. 206, authorized a detailed study of the House garages located in the Rayburn and Cannon House Office Buildings and in Squares 637 and 691 to determine the feasibility of providing additional parking.

§ 184a. John W. McCormack Residential Page School.

ACQUISITION OF PROPERTY AS SITE FOR JOHN W. MCCORMACK RESIDENTIAL PAGE SCHOOL

Pub. L. 92–607, chap V, § 508, Oct. 31, 1972, 86 Stat. 1512, authorized the Architect of the Capitol to acquire certain specified real estate for use as a green park area pending its development for permanent use as the site of the John W. McCormack Residential Page School.

§ 193a. United States Capitol Grounds; area comprising; jurisdiction.

The United States Capitol Grounds shall comprise all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled "Map showing areas comprising United States Capitol Grounds", dated June 25, 1946, approved by the Architect of the Capitol and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, including all additions added thereto by law subsequent to June 25, 1946, and the jurisdiction and control over the United States Capitol Grounds, vested prior to July 31, 1946 by law in the Architect of the Capitol, is extended to the entire area of the United States Capitol Grounds and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof, including those streets and roadways in said United States Capitol Grounds as shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia, except that the Commissioner of the District of Columbia shall be responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines thereof: Constitution Avenue from First Street N.E. to Second Street N.W., First Street from D Street N.E. to D Street S.E., D Street from First Street S.E. to Canal Street S.W., and First Street from the north side of Louisiana Avenue to the intersection of C Street and Canal Street S.W.: *Provided*, That the Commissioner of the District of Columbia shall be permitted to enter any part of said United States Capitol Grounds for the purpose of repairing or maintaining or, subject to the approval of the Architect of the Capitol, for the purpose of constructing or altering, any utility service of the District of Columbia government. (As amended Dec. 24, 1973, Pub. L. 93–198, title VII, § 739(g)(7), 87 Stat. 829.)

AMENDMENTS

1973—Pub. L. 93–198 substituted ", including those streets and roadways in said United States Capitol Grounds as shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia, except that the Commissioner of the District of Columbia shall be responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines thereof: Constitution Avenue from First Street N.E. to Second Street N.W., First Street from D Street N.E. to D Street S.E., D Street from First Street S.E. to Canal Street S.W., and First Street from the north side of Louisiana Avenue to the intersection of C Street and Canal Street S.W.: *Provided*," for ": *Provided*, That those streets and roadways as being under the jurisdiction and control of the Commissioner of the District of Columbia shall continue under such jurisdiction and control, and said Commissioner shall be responsible for the maintenance and improvement thereof: *Provided further*,".

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93–198 provided in part that the amendment of this section by Pub. L. 93–198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in Title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 ofthe District of Columbia Code.

ADDITIONS TO UNITED STATES CAPITOL GROUNDS SUBSEQUENT TO JUNE 25, 1946

John W. McCormack Residential Page School. United States Capitol Grounds provisions applicable, see section 492 of Pub. L. 91–510, Title IV, Oct. 26, 1970, 84 Stat. 1199, set out as section 184a of this title.

Green park area use pending development for permanent page school use, subject to United States Capitol

Grounds provisions, see section 508 of Pub. L. 92–607, Ch. V, Oct. 31, 1972, 86 Stat. 1512, set out as a note under section 184a of this title.

Senate Parking Facilities Site. Acquisiton of real property as site for parking facilities of Senate, subject to United States Capitol Grounds provisions, see section 508 of Pub. L. 92–607, Ch. V, Oct. 31, 1972, 86 Stat. 1512, set out as a note under section 174b—1 of this title.

EXTENSION OF UNITED STATES CAPITOL GROUNDS

Pub. L. 93–198, title VII, § 739(g)(3), Dec. 24, 1973, 87 Stat. 828, effective Jan. 2, 1975, [Title IV of Pub. L. 93–198 having been accepted by a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum conducted May 8, 1974], provided in part that the definition of United States Capitol Grounds should include the following streets: Independence Avenue from the west curb of First Street S.E. to the east curb of First Street S.W., New Jersey Avenue S.E. from the south curb of Independence Avenue to the north curb of D Street S.E., South Capitol Street from the south curb of Independence Avenue to the north curb of D Street; Delaware Avenue S.W. from the south curb of C Street S.W. to the north curb of D Street S.W., C Street from the west curb of First Street S.E. to the intersection of First and Canal Streets, S.W., D Street from the west curb of First Street S.E. to the intersection of Canal Street and Delaware Avenue S.W., that part of First Street lying west of the outer face of the curb of the sidewalk on the east side thereof from D Street, N.E. to D Street S.E., that part of First Street within the east and west curblines thereof extending from the north side of Pennsylvania Avenue N.W. to the intersection of C Street and Canal Street S.W., including the two circles within such area, but that nothing in the inclusion of such streets should be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect prior to the vesting of authority in the United States Supreme Court police and Library of Congress police by title IV of Pub. L. 93–198 to make arrests in adjacent streets, including First Street N.E. and First Street S.E.

SOUND AND LIGHT PERFORMANCE FOR THE RE-CREATION OF THE EVOLUTION OF AMERICAN HISTORY

Pub. L. 93–226, Dec. 29, 1973, 87 Stat. 943 provided:

"[*Sec. 1. Study and report by the United States Capitol Historical Society on the desirability and feasibility of sound and light performance for the re-creation of the evolution of American History*] That, notwithstanding any other provision of law, the United States Capitol Historical Society is authorized, under direction of the Architect of the Capitol, to prepare a feasibility study to determine the desirability of installing within the United States Capitol Grounds, at the east front of the United States Capitol, all items of equipment and other facilities required for a sound and light performance, consisting of an interplay of light, music, narrative, and sound effects (without the use of live actors), which, when projected onto the imposing facade of the east front of the United States Capitol, will re-create the evolution of American history, based on a foundation of thorough historical research, subject to the following conditions:

"(1) Such study and all expenditures connected therewith will be borne by the United States Capitol Historical Society.

"(2) Upon completion of such study, the United States Capitol Historical Society, at its expense, will furnish the Architect of the Capitol a report detailing the results of such study, installations, and programs proposed, and estimates of cost required to implement such project without expense to the United States, including maintenance and operating expenses.

"(3) The project may not be implemented, beyond the report stage, except as provided in section 2 hereof.

"Sec. 2. [*Review of the report by the Architect of the Capitol and recommendations to Congressional Officials; implementation of the project*] The Architect of the Capitol shall review such report and submit the same, with his recommendations, to the Speaker and majority and minority leaders of the House of Representatives and to the United States Senate Commission on Art and Antiquities.

"If the project, as presented, with or without modifications, meets with the approval of such House and Senate officials, the Architect of the Capitol, notwithstanding any other provision of law, is authorized after such approval—

"(1) To accept in the name of the United States from the United States Capitol Historical Society, as a gift, such sum or sums as may be required to further implement such project, and such sum or sums when received, shall be credited as an addition to the appropriation account 'Capitol Buildings, Architect of the Capitol'.

"(2) Subject to section 3 hereof, to expend such sum or sums for all items of equipment and other facilities required for the sound and light performance, and for any other items in connection therewith.

"Sec. 3 [*Authority to enter into contracts and make payments*] The Architect of the Capitol, under the direction of the House and Senate officials designated in section 2 hereof, is authorized to enter into contracts and to incur such other obligations and make such expenditures as may be necessary to carry out the provisions of said section 2.

"Sec. 4. [*Availability and use of appropriated funds*] Sums received under this joint resolution, when credited as an addition to the appropriation account 'Capitol Buildings, Architect of the Capitol', shall be available for expenditure and shall remain available until expended. Following completion of the installation, such sums may thereafter be used by the Architect of the Capitol, in whole or in part, to defray any expenses which he may incur for maintenance and operation."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71a, 174b–1, 184a, 193h, 193i, 193*l*, 193m, 210, 212a, 214a of this title.

§ 193m. Same; definitions.

As used in sections 193a to 193m, 212a and 212b of this title—

(1) The term "Capitol Buildings" means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all subways and enclosed passages connecting two or more of such structures, and the real property underlying and enclosed by any such structure.

(2) The term "firearm" shall have the same meaning as when used in section 901(3) of Title 15.

(3) The term "dangerous weapon" includes all articles enumerated in section 14(a) of the Act of July 8, 1932 (47 Stat. 654, as amended; D.C. Code, sec. 22–3214(a)) and also any device designed to expel or hurl a projectile capable of causing injury to persons or property, daggers, dirks, stilettoes, and knives having blades over three inches in length.

(4) The term "explosive" shall have the same meaning as when used in section 121(1) of Title 50.

(5) The term "act of physical violence" means any act involving (1) an assault or any other infliction or threat of infliction of death or bodily harm upon any individual, or (2) damage to or destruction of any real property or personal property.

(July 31, 1946, ch. 707, § 16(a), 60 Stat. 721; Oct. 20, 1967, Pub. L. 90–108, § 1(d), 81 Stat. 277.)

REFERENCES IN TEXT

Section 901(3) of Title 15, referred to in par. (2), was repealed by Pub. L. 90–351, title IX, § 906, June 19, 1968, 82 Stat. 234. The regulation of firearms is now covered by chapter 44 (section 921 et seq.) of Title 18.

Section 121 of Title 50, referred to in par. (4), was repealed by Pub. L. 91–452, title XI, § 1106(a), Oct. 15, 1970,

84 Stat. 960. The regulation of explosives is now covered by chapter 40 (section 841 et seq.) of Title 18.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71a, 174b–1, 184a, 193h, 193i, 210, 212a of this title.

§ 206a. Same; establishment of additional positions.

(a) In addition to the number of positions on the United States Capitol Police force, and of personnel detailed to such police force from the Metropolitan Police force of the District of Columbia, existing on June 2, 1971, there are hereby authorized to be established two hundred fourteen positions on the United States Capitol Police force, for duty under the House of Representatives, as follows:

(1) one hundred seventy-nine positions of private;

(2) eleven positions of sergeant;

(3) four positions of lieutenant;

(4) two positions of plainclothesman;

(5) six positions of technician (dog handler); and

(6) twelve positions of technician (station clerk; radio dispatcher; fingerprint-photographic specialist; or such other technical and specialized designations as may be deemed necessary).

(b) Each appointment to any such additional position shall be made by the Capitol Police Board, subject to prior approval of the Committee on House Administration, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Each person appointed to any such additional position shall have, prior to such appointment, at least one year of police experience or of equivalent experience. (As amended Pub. L. 92–184, ch. IV, § 401, Dec. 15, 1971, 85 Stat. 636.)

AMENDMENTS

1971—Additional positions of private, sergeant, lieutenant, plainclothesman, and technician were authorized by section 1 of House Resolution No. 449, June 2, 1971, which was enacted into permanent law by Pub. L. 92–184.

§ 206a–1. Same; establishment of additional positions.

(a) In addition to the number of positions on the United States Capitol Police Force, and of such personnel detailed to such police from the Metropolitan Police Force of the District of Columbia, existing on March 26, 1975, there are hereby authorized to be established seventy-three positions on the United States Capitol Police Force, for duty under the House of Representatives, as follows:

(1) fifty-three positions of private;

(2) seven positions as technicians;

(3) three positions as detectives;

(4) seven positions of sergeant;

(5) two positions of lieutenant; and

(6) one position as Captain.

(b) Each appointment to any such additional position shall be made by the Capitol Police Board, subject to prior approval of the Committee on House Administration, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. (Pub. L. 94–59, title II, § 201, July 25, 1975, 89 Stat. 282.)

CODIFICATION

Section is based on section 1 of House Resolution No. 360, Ninety-fourth Congress, Mar. 26, 1975, which was enacted into permanent law by Pub. L. 94–59.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 206a–2, 206a–3 of this title.

§ 206a–2. Same; compensation of persons appointed to additional positions.

The per annum gross rate of pay of each officer or member appointed to the additional positions authorized to be established under section 206a–1 of this title shall be in accordance with the current Capitol Police Pay Schedule approved by the Committee on House Administration. The hourly rate of pay of such officer or member is determined by dividing his or her annual rate of pay by 2,080. (Pub. L. 94–59, title II, § 201, July 25, 1975, 89 Stat. 282.)

CODIFICATION

Section is based on section 2 of House Resolution No. 360, Ninety-fourth Congress, Mar. 26, 1975, which was enacted into permanent law by Pub. L. 94–59.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 206a–3 of this title.

§ 206a–3. Same; payment of costs of uniforms, equipment, and other expenses for persons appointed to additional positions.

There shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to pay the rates of pay (including overtime pay) and the costs of uniforms and equipment, and to cover necessary expenses, incident to carrying out the purposes of sections 206a–1 to 206a–3 of this title. (Pub. L. 94–59, title II, § 201, July 25, 1975, 89 Stat. 282.)

CODIFICATION

Section is based on section 3 of House Resolution No. 360, Ninety-fourth Congress, Mar. 26, 1975, which was enacted into permanent law by Pub. L. 94–59.

§ 206b. Same; emergency duty overtime pay from funds disbursed by the Clerk of the House of Representatives.

(a) Entitlement of officer or member.

Each officer or member of the United States Capitol Police force—

(1) whose pay is disbursed by the Clerk of the House of Representatives; and

(2) who performs duty in addition to the number of hours of his regularly scheduled tour of duty beginning on or after July 1, 1974;

is entitled (subject to such rules and regulations as the Capitol Police Board may prescribe) to receive compensation as a result of performing such duty pursuant to the order of proper authority, or to receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to receive such compensation only upon a determination of the Capitol Police Board with respect to the additional hours of duty of such officer.

(b) Determination of rate of compensation.

Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to—

(1) in the case of an officer, his hourly rate of compensation; or

(2) in the case of a member, one and one-half times his hourly rate of compensation.

The hourly rate of compensation of an officer or member shall be determined by dividing the annual

rate of compensation of the officer or member by 2,080.

(c) Written election by officer for compensation or compensatory time off for additional hours of duty.

Any officer or member entitled to receive compensation for additional hours of duty shall make a written election with respect to his additional hours of duty which shall designate whether such officer or member desires to receive—

(1) compensation for additional hours of duty; or

(2) compensatory time off for additional hours of duty subject to approval of the Chief and the Capitol Police Board.

(d) Certification procedure for additional compensation.

Compensation which officers and members are entitled to receive under this section shall be made upon certification by the Chief of the Capitol Police at the end of each calendar quarter to the Capitol Police Board, and upon the transmission of approval from the Capitol Police Board to the Committee on House Administration of the House of Representatives.

(e) Transfer of accrued compensatory time off or receipt of lump sum payment upon termination of service.

No officer or member may, upon the termination of his service as an officer or member of the United States Capitol Police force, transfer accrued compensatory time off for application with respect to his employment by any other department, agency, or establishment of the Federal Government or the District of Columbia. No officer or employee may, upon such termination, receive any lump-sum payment with respect to such accrued compensatory time off.

(f) Definitions.

For purposes of this section—

(1) the term "officer" includes all personnel of the rank of lieutenant or higher, including inspector; and

(2) the term "member" includes all personnel below the rank of lieutenant, including detectives.

(g) Contingent fund of House available for payment of overtime pay.

There shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to make payments of overtime pay under the provisions of this section. (Pub. L. 92–184, ch. IV, § 401, Dec. 15, 1971, 85 Stat. 636, amended Pub. L. 93–245, ch. VI, § 601, Jan. 3, 1974, 87 Stat. 1079; Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777.)

CODIFICATION

Section is based on sections 3 and 5 of House Resolution No. 449, June 2, 1971, which was enacted into permanent law by Pub. L. 92–184, as amended by House Resolution No. 398, June 4, 1973, eff. Jan. 3, 1974, which was enacted into permanent law by Pub. L. 93–245, and House Resolution No. 1309, Oct. 10, 1974, eff. Dec. 27, 1974, which was enacted into permanent law by Pub. L. 93–554.

Subsec. (g) of this section was originally enacted as section 3 of House Res. No. 1309 and has been editorially redesignated as subsec. (g) in view of the enactment into permanent law of section 5 of House Res. No. 449 as the concluding paragraph of original section.

§ 206c. Same; emergency duty overtime pay from funds disbursed by Secretary of the Senate; compensatory time off in place of additional pay; election, accrual and transfer of time off; rules and regulations.

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who performs duty in addition to the number of hours of his regularly scheduled tour of duty for any day on or after July 1, 1974, is entitled to be paid compensation (when ordered to perform such duty by proper authority) or receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to such compensation only upon a determination made by the Capitol Police Board with respect to any additional hours. Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to his hourly rate of compensation in the case of an officer, and at a rate equal to one and one-half times his hourly rate of compensation for a member of such force. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Any officer or member entitled to be paid compensation for such additional hours shall make a written election, which is irrevocable, whether he desires to be paid that compensation or to receive compensatory time off instead for each such hour. Compensation due officers and members under this paragraph shall be paid by the Secretary, upon certification by the Chief of the Capitol Police at the end of each calendar quarter and approval of the Capitol Police Board, from funds available in the Senate appropriation, "Salaries, Officers and Employees" for the fiscal year in which the additional hours of duty are performed without regard to the limitations specified therein. Any compensatory time off accrued and not used by an officer or member at the time he is separated from service on the Capitol Police force may not be transferred to any other department, agency, or establishment of the United States Government or the government of the District of Columbia, and no lump-sum amount shall be paid for such accrued time. The Capitol Police Board is authorized to prescribe regulations to carry out this section. (Pub. L. 92–51, § 101, July 9, 1971, 85 Stat. 130, amended Pub. L. 93–145, § 101, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93–371, § 101(5), Aug. 13, 1974, 88 Stat. 430.)

AMENDMENTS

1974—Pub. L. 93–371 generally amended provisions relating to payment of emergency duty overtime pay and added provisions relating to election by officers or members entitled to compensation for additional duty of either payment of such compensation or compensatory time off in place of any additional pay, and provisions setting forth duties of the Capitol Police Board with respect to approval of additional compensation payments and promulgation of rules and regulations for implementing this section.

1973—Pub. L. 93–145 added "inspectors," preceding "captains".

EFFECTIVE DATE OF 1974 AMENDMENT

Section 101(5) of Pub. L. 93–371 provided in part that the amendment by Pub. L. 93–371 is effective July 1, 1974.

§ 210. Same; uniform, belts and arms.

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives shall select and regulate the pattern for a uniform for the Capitol police and watchmen, and furnish each member of the force with the necessary belts and arms, at a cost not to exceed $20 per man, payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named. Such arms so furnished shall be carried by each officer and member of the Capitol Police, while in the Capitol Buildings (as defined in section 193m(a)(1) of this title), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in section 193a of this title), in such manner and at such times as the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives may, by regulations, prescribe. (As amended Pub. L. 92–607, ch. V, § 507, Oct. 31, 1972, 86 Stat. 1508.)

AMENDMENTS

1972—Pub. L. 92–607 directed that the arms be carried in the Capitol Buildings and within and without the boundaries of the United States Capitol Grounds according to regulations prescribed by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives.

§ 212a. Policing of Capitol buildings and grounds; powers of Capitol police; arrests by District of Columbia police.

The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of sections 193a to 193m, 212a, and 212b of this title and regulations promulgated under section 212b of this title, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided,* That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds. For the purpose of this section, the word "grounds" shall include the House Office Building parking area. (As amended Dec. 24, 1973, Pub. L. 93–198, title VII, § 739(g)(4), (5), 88 Stat. 829.)

AMENDMENTS

1973—Pub. L. 93–198 inserted reference to violations of any law of the District of Columbia and struck out ", with the exception of the streets and roadways shown on the map referred to in setcion 193a of this title as being under the jurisdiction and control of the Commissioner of the District of Columbia" following "or to patrol the United States Capitol Buildings and Grounds".

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93–198 provided in part that the amendment of this section by Pub. L. 93–198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in Title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 174b–1, 184a, 193h, 193*l*, 193*l*, 193m of this title.

§ 212b. Regulation of traffic by Capitol Police Board; penalties; prosecution; promulgation and publication of regulations.

(a) The Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, shall have exclusive charge and control of the regulation and movement of all vehicular and other traffic, including the parking and impounding of vehicles and limiting the speed thereof, within the United States Capitol Grounds; and said Board is authorized and empowered to make and enforce all necessary regulations therefor and to prescribe penalties for violation of such regulations, such penalties not to exceed a fine of $300 or imprisonment for not more than ninety days. Notwithstanding the foregoing provisions of this section those provisions of the District of Columbia Traffic Act of 1925, as amended, (D.C. Code, sec. 40–601 et seq.), for the violation of which specific penalties are provided in said Act, as amended, shall be applicable to the United States Capitol Grounds. Prosecutions for violation of such regulations shall be in the Superior Court of the District of Columbia, upon information by the Corporation Counsel of the District of Columbia or any of his assistants.

(b) Regulations authorized to be promulgated under this section shall be promulgated by the Capitol Police Board and such regulations may be amended from time to time by the Capitol Police Board whenever it shall deem it necessary: *Provided,* That until such regulations are promulgated and become effective, the traffic regulations of the District of Columbia shall be applicable to the United States Capitol Grounds.

(c) All regulations promulgated under the authority of this section shall, when adopted by the Capitol Police Board, be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of ten days after the date of such publication, except that whenever the Capitol Police Board deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. Any expenses incurred under this subsection shall be payable from the appropriation "Uniforms and Equipment, Capitol Police".

(d) It shall be the duty of the Commissioner of the District of Columbia, or any officer or employee of the government of the District of Columbia designated by said Commissioners, upon request of the Capitol Police Board, to cooperate with the Board in the preparation of the regulations authorized to be

promulgated under this section, and any future amendments thereof. (As amended Dec. 24, 1973, Pub. L. 93–198, title VII, § 739(g)(6), 87 Stat. 829.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–198 struck out ", except on those streets and roadways shown on the map referred to in section 193a of this title as being under the jurisdiction and control of the Commissioner of the District of Columbia".

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93–198 provided in part that the amendment of this section by Pub. L. 93–198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in Title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 174b–1, 184a, 193h, 193i, 193m, 212a of this title.

§ 214a. Temporary use of Capitol Grounds for recreational purposes.

CODIFICATION

The section appears to be obsolete. Pub. L. 89–260, Oct. 19, 1965, 79 Stat. 987, as amended, set out as a note under section 141 of Title 2, authorized the construction in square 732 of the Library of Congress James Madison Memorial Building. Funds for construction were appropriated and the building is now in progress.

§ 216b. Utilization of personnel by Architect of the Capitol for maintenance and operation of Botanic Garden.

After December 27, 1974, with the approval of the Joint Committee on the Library, the Architect of the Capitol may utilize personnel paid from appropriations under his control for performance of administrative and clerical duties in connection with the maintenance and operation of the United States Botanic Garden, to such extent as he may deem feasible. (Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777.)

Chapter 3.—PUBLIC BUILDINGS AND WORKS GENERALLY

§§ 257, 258.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 16 section 433c.

§ 261. Contracts authorized within limits of costs fixed, though appropriations are in part only.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 460bb–2.

§§ 270a to 270d.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 25 section 450j.

§§ 276a to 276a–5.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 20 sections 684, 1221e; title 25 sections 450e, 458; title 29 sections 255, 256, 258, 259, 262, 776, 964, 986; title 31 section 1243; title 33 section 1372; title 42 sections 242m, 247d, 254c, 293a, 295d, 296a, 300j–9, 300o–3, 1437j, 1440, 2689j, 2930a, 2992a, 3041a, 3222, 3884, 5046, 5310, 6042, 6063.

§ 276c. Regulations governing contractors and subcontractors.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 sections 684, 1221e; title 25 section 450e; title 29 sections 776, 936; title 31 section 1243; title 33 section 1372; title 42 sections 242m, 247d, 254c, 293a, 295d, 296a, 300j–9, 300o–3, 1440, 2689j, 2930a, 2992a, 3041a, 3222, 3884, 5046, 5310, 6042, 6063.

§ 278a. Lease of buildings to Government; maximum rental.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 1–243b of the District of Columbia Code.

§ 296. Transfer of administrative expenses into special account.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 490, 490a of this title.

Chapter 4.—THE PUBLIC PROPERTY

§ 303b. Lease of buildings by Government; improvements under concession contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 sections 5012, 5073; title 42 section 2473; title 49 section 1653.

Chapter 5.—HOURS OF LABOR AND SAFETY ON PUBLIC WORKS

§ 327. Definition of Secretary.

SHORT TITLE

Section 1 of Pub. L. 87–581, as amended by Pub. L. 91–54, § 2, Aug. 9, 1969, 83 Stat. 98, provided that Pub. L. 87–581, which enacted sections 327–333 of this title, amended former section 673c of Title 5, and section 1499 of Title 28, repealed sections 321, 322, 324–326 of this title, and enacted provisions set out as notes under section 1499 of Title 28, this section and former section 321 of this title, may be cited as the "Work Hours and Safety Act of 1962" and Title I of Pub. L. 87–581, which enacted sections 327–333 of this title, may be cited as the "Contract Work Hours and Safety Standards Act."

§ 330. Report of violations and withholding of funds for unpaid wages and liquidated damages.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 333. Health and safety standards in building trades and construction industry.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed

by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

Chapter 6.—ACQUISITION OF SITES FOR AND CONSTRUCTION OF PUBLIC BUILDINGS

§ 356. Lease-purchase contracts.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2035. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

Chapter 9.—NON-FEDERAL PUBLIC WORKS

§ 460. Urban planning and reserve of planned public works; definitions.

As used in sections 460 to 462 of this title, (1) the term "State" shall mean any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and the Trust Territory of the Pacific Islands; (2) the term "Secretary" shall mean the Secretary of Housing and Urban Development; (3) the term "public works" shall include any public works other than housing; and (4) the term "public agency" or "public agencies" shall mean any State, as herein defined, or any public agency or political subdivision therein. (As amended Aug. 22, 1974, Pub. L. 93–383, title IV, § 401(c), 88 Stat. 691.)

AMENDMENTS

1974—Pub. L. 93–383 added reference to Trust Territory of the Pacific Islands in cl. (1).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 3151.

§ 461. Comprehensive planning.

(a) Grants by Secretary; authorization.

In order to assist State and local governments in solving planning problems, including those resulting from the increasing concentration of population in metropolitan and other urban areas and the outmigration from and lack of coordinated development of resources and services in rural areas; to facilitate comprehensive planning for urban and rural development, including coordinated transportation systems, on a continuing basis by such governments; and to encourage such governments to establish and improve planning staffs and techniques on and areawide basis, and to engage private consultants where their professional services are deemed appropriate by the assisted governments, the Secretary is authorized to make planning grants to—

(1) States for the provision of planning assistance to (A) cities and other municipalities having a population of less than 50,000 according to the latest decennial census, and counties without regard to population: *Provided*, That grants shall be made under this paragraph for planning assistance to counties having a population of 50,000 or more, according to the latest decennial census, which are within metropolitan areas, only if (i) the Secretary finds that planning and plans for such county will be coordinated with the program of comprehensive planning, if any, which is being carried out for the metropolitan area of which the county is a part, and (ii) the aggregate amount of the grants made subject to this proviso does not exceed 15 per centum of the aggregate amount appropriated, after September 2, 1964, for the purposes of this section, (B) any group of adjacent communities, either incorporated or unincorporated, having a total population of less than 50,000 according to the latest decennial census and having common or related urban planning problems, (C) cities, other municipalities, and counties referred to in paragraph (3) of this subsection, and areas referred to in paragraph (4) of this subsection, and (D) Indian reservations;

(2) States for State, interstate, metropolitan, district, or regional activities which may be assisted under this section;

(3) cities (including the District of Columbia) having populations of at least 50,000 according to the latest decennial census for local activities which may be assisted under this section;

(4) urban counties as defined under title I of the Housing and Community Development Act of 1974;

(5) the areawide organization in any metropolitan area which is formally charged with carrying out the provisions of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and section 401 of the Intergovernmental Cooperation Act of 1968: *Provided*, That any such areawide organization, to the extent practicable, shall be composed of or responsible to the elected officials of the unit or units of general local government for the jurisdictions of which they are empowered to carry out the provisions of such Acts;

(6) Indian tribal groups or bodies; and

(7) other governmental units or agencies having special planning needs related to the purposes of this section, including but not limited to interstate regional planning commissions, and units or agencies for disaster areas, federally impacted areas, and local development districts, to the extent these needs cannot otherwise be adequately met.

Activities assisted under this section shall, to the maximum extent feasible, cover entire areas having common or related development problems. The Secretary shall encourage cooperation in preparing and carrying out plans among all interested municipalities, political subdivisions, public agencies, and other parties in order to achieve coordinated development of entire areas. To the maximum extent feasible, pertinent plans and studies already made for areas shall be utilized so as to avoid unnecessary repetition of effort and expense.

(b) Activities subject to assistance; persons authorized to execute activities.

Activities which may be assisted under this section include those necessary (1) to develop and carry out a comprehensive plan as part of an ongoing planning process, (2) to develop and improve the management capability to implement such plan or part thereof or related plans or planning, and (3) to develop a policy-planning-evaluation capacity so that

the recipient may more rationally (A) determine its needs, (B) set long-term goals and short-term objectives, (C) devise programs and activities to meet these goals and objectives, and (D) evaluate the progress of such programs in accomplishing those goals and objectives. Activities assisted under this section shall be carried out by professionally competent persons.

(c) Ongoing comprehensive planning process by recipients of assistance; development, contents, and review of comprehensive plan.

Each recipient of assistance under this section shall carry out an ongoing comprehensive planning process which shall make provision for citizen participation pursuant to regulations of the Secretary where major plans, policies, priorities, or objectives are being determined. The process shall involve development and subsequent modifications of a comprehensive plan which shall be reviewed at least biennially for necessary or desirable amendments. Any such plan shall include, as a minimum, each of the following elements:

(1) A housing element which shall take into account all available evidence of the assumptions and statistical bases upon which the projection of zoning, community facilities, and population growth is based, so that the housing needs of both the region and the local communities studied in the planning will be adequately covered in terms of existing and prospective population growth. The development and formulation of State and local goals pursuant to title XVI of the Housing and Urban Development Act of 1968 shall be a part of such a housing element.

(2) A land-use element which shall include (A) studies, criteria, standards, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall take place within the recipient's boundaries, and (B) as a guide for governmental policies and activities, general plans with respect to the pattern and intensity of land use for residential, commercial, industrial, and other activities.

Each of the elements set forth above shall specify (i) broad goals and annual objectives (in measurable terms wherever possible), (ii) programs designed to accomplish these objectives, and (iii) procedures, including criteria set forth in advance, for evaluating programs and activities to determine whether they are meeting objectives. Such elements shall be consistent with each other and consistent with stated national growth policy.

(d) Annual grants; conditions; termination date of authorization.

After an initial application for assistance under this section has been approved, the Secretary may make grants on an annual basis, if—

(1) the applicant submits to the Secretary annually a description of its work program designed to meet obectives for the next succeeding one-year period and setting forth any changes the applicant intends to undertake to achieve better progress; and

(2) the applicant submits to the Secretary biennially (A) an evaluation of the progress made by it during the previous two years in meeting obectives set forth in its plan, and (B) a description of any changes in the plan's goals or objectives.

The Secretary shall make no grant after three years from August 22, 1974, to any applicant (other than an applicant described in paragraph (6) or (7) of subsection (a) of this section), unless the Secretary is satisfied that the comprehensive planning being carried out by the applicant includes the elements specified in paragraphs (1) and (2) of subsection (c) of this section.

(e) Maximum amount of grant; authorization of appropriations; limitations.

A grant made under this section shall not exceed two-thirds of the estimated cost of the work for which the grant is made. There are authorized to be appropriated for the purposes of this section not to exceed $130,000,000 for the fiscal year 1975, and not to exceed $150,000,000 for the fiscal year 1976. Of the funds appropriated under this section, not to exceed an aggregate of $10,000,000 plus 5 per centum of the funds so appropriated may be used by the Secretary for studies, research, and demonstration projects, undertaken independently or by contract, for the development and improvement of techniques and methods for comprehensive planning and for the advancement of the purposes of this section, and for grants to assist in the conduct of studies and research relating to needed revisions in State statutes which create, govern, or control local governments and local governmental operations.

(f) Encouragement of comprehensive planning on a unified basis for States, cities, etc.; contracts and grants for technical assistance and studies and reports on comprehensive planning and related management problems.

It is the further intent of this section to encourage comprehensive planning on a unified basis for States, cities, counties, metropolitan areas, districts, regions, and Indian reservations and the establishment and development of the organizational units needed therefor. In extending financial assistance under this section, the Secretary may require such assurances as he deems adequate that the appropriate State and local agencies are making reasonable progress in the development of the elements of comprehensive planning. The Secretary is authorized by contract, grant, or otherwise to provide technical assistance to State and local governments, and interstate and regional combinations thereof, to Indian tribal bodies, and to governmental units or agencies described in subsection (a)(7) of this section, undertaking such planning and, by contract or otherwise, to make studies and publish information on comprehensive planning and related management problems.

(g) Consent of Congress to agreements or compacts between States for cooperative efforts and mutual assistance in comprehensive planning.

The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, cooperative effort and mutual assistance in the comprehensive planning for the growth and development of interstate, metropolitan, or other urban areas, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and conpacts.

(h) Grants to organizations composed of public officials representative of political jurisdictions within metropolitan areas, regions, or districts; purposes.

In addition to the planning grants authorized by subsection (a) of this section, the Secretary is further authorized to make grants to organizations composed of public officials representative of the political jurisdictions within the metropolitan area, region, or district involved for the purpose of assisting such organizations to undertake studies, collect data, develop metropolitan, regional, and district plans and programs, and engage in such other activities, including implementation of such plans, as the Secretary finds necessary or desirable for the solution of the metropolitan, regional, or district problems in such areas, regions, or districts. To the maximum extent feasible, all grants under this subsection shall be for activities relating to all the developmental aspects of the total metropolitan area, region, or district including, but not limited to, land use, transportation, housing, economic development, natural resources development, community facilities, and the general improvement of living environments.

(i) Grants for surveys of structures and sites determined to be of historic or architectural value.

In addition to the other grants authorized by this section, the Secretary is authorized to make grants to assist any city, other municipality, or county in making a survey of the structures and sites in the locality which are determined by its appropriate authorities to be of historic or architectural value. Any such survey shall be designed to identify the historic structures and sites in the locality, determine the cost of their rehabilitation or restoration, and provide such other information as may be necessary or appropriate to serve as a foundation for a balanced and effective program of historic preservation in such locality. The aspects of any such survey which relate to the identification of historic and architectural values shall be conducted in accordance with criteria found by the Secretary to be comparable to those used in establishing the national register maintained by the Secretary of the Interior under other provisions of law; and the results of each such survey shall be made available to the Secretary of the Interior. A grant under this subsection shall be made to the appropriate agency or entity specified in paragraphs (1) through (6) of subsection (a) of this section or, if there is no such agency or entity which is qualified and willing to receive the grant and provide for its utilization in accordance with this subsection, directly to the city, other municipality, or county involved.

(j) Regulations and conditions for grants.

Grants made under this section may be used, subject to regulations and conditions prescribed by the Secretary, for any activities made eligible by the provisions of this section; but such regulations shall provide that grant assistance shall not be used to defray the cost of the acquisition, construction, repair, or rehabilitation of, or the preparation of engineering drawings or similar detailed specifications for, specific housing, capital facilities, or public works projects.

(k) Consultation by Secretary with heads of other Federal departments and agencies having related responsibilities.

The Secretary shall consult with the heads of other Federal departments and agencies having responsibilities related to the purposes of this section, including responsibilities connected with the economic development of rural and depressed areas and the protection and enhancement of the Nation's natural environment, with respect to (1) general standards, policies, and procedures to be followed in the administration of this section, and (2) particular grant actions or approvals which the Secretary believes to be of special interest or concern to one or more of such departments and agencies.

***(l)* Joint use of available funds from Federal assistance programs for projects or activities; contents of regulations prescribing conditions.**

Funds made available under any Federal assistance program for projects or activities, approved as part of or in furtherance of a planning program or related management activities assisted under this section, may be used jointly with funds made available for such projects or activities under any other Federal assistance program, subject to regulations prescribed by the President. Such regulations may include provisions for common technical or administrative requirements where varying or conflicting provisions of law or regulations would otherwise apply, for establishing joint management funds and common non-Federal shares, and for special agreements or delegations of authority, among different Federal agencies in connection with the supervision or administration of assistance. Such regulations shall in any case include appropriate criteria and procedures to assure that any special authorities conferred, which are not otherwise provided for by law, shall be employed only as necessary to promote effective and efficient administration and in a manner consistent with the protection of the Federal interest and program purposes or statutory requirements of a substantive nature. For purposes of this subsection, the term "Federal assistance program" has the same meaning as in the Intergovernmental Cooperation Act of 1968.

(m) Definitions.

As used in this section—

(1) The term "metropolitan area" means a standard metropolitan statistical area, as established by the Office of Management and Budget, subject, however, to such modifications or extensions as the Secretary deems to be appropriate for the purposes of this section.

(2) The term "region" includes (A) all or part of the area of jurisdiction of one or more units of general local government, and (B) one or more metropolitan areas.

(3) The term "district" includes all or part of the area of jurisdiction of (A) one or more counties, and (B) one or more other units of general local government, but does not include any portion of a metropolitan area.

(4) The term "comprehensive planning" includes the following:

(A) preparation, as a guide for governmental policies and action, of general plans with re-

spect to (i) the pattern and intensity of land use, (ii) the provision of public facilities (including transportation facilities) and other government services, and (iii) the effective development and utilization of human and natural resources;

(B) identification and evaluation of area needs (including housing, employment, education, and health) and formulation of specific programs for meeting the needs so identified;

(C) surveys of structures and sites which are determined by the appropriate authorities to be of historic or architectural value;

(D) long-range physical and fiscal plans for such action;

(E) programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definite financing plans for such expenditures in the earlier years of the program;

(F) coordination of all related plans and activities of the State and local governments and agencies concerned; and

(G) preparation of regulatory and administrative measures in support of the foregoing.

Comprehensive planning for the purpose of districts shall not include planning for or assistance to establishments in relocating from one area to another or assist contractors or subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts theretofore customarily performed by them. The limitation set forth in the preceding sentence shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity, if the Secretary finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment in the area or original location or in any other area where such entity conducts business operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(n) Plans and programs for States, regions or other multijurisdictional areas; encouragement; criteria; authorization for grants for development and implementation activities.

In carrying out the provisions of this section relating to planning for States, regions, or other multijurisdictional areas whose development has significance for purposes of national growth and urban development objectives, the Secretary shall encourage the formulation of plans and programs which will include the studies, criteria, standards, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth should take place within such States, regions, or areas. Such plans and programs shall take account of the availability of and need for conserving land and other irreplaceable natural resources; of projected changes in size, movement, and composition of population; of the necessity for expanding housing and employment opportunities; of the opportunities, requirements, and possible locations for new communities and large-scale projects for expanding or revitalizing existing communities; and of the need for methods of achieving modernization, simplification, and improvements in governmental structures, systems, and procedures related to growth objectives. If the Secretary determines that activities otherwise eligible for assistance under this section are necessary to the development or implementation of such plans and programs, he may make grants in support of public officials which he determines is capable of carrying out the planning work involved in an effective and efficient manner and may make such grants in an amount equal to not more than 80 per centum of the cost of such activities. (As amended Dec. 22, 1971, Pub. L. 92–213, § 8(a), 85 Stat. 776; July 1, 1972, Pub. L. 92–335, § 4, 86 Stat. 405; Oct. 2, 1973, Pub. L. 93–117, § 11, 87 Stat. 423; May 22, 1974, Pub. L. 93–288, title VI, § 602(a), 88 Stat. 163; Aug. 22, 1974, Pub. L. 93–383, title IV, § 401(a), (b), 88 Stat. 686, 687.)

REFERENCES IN TEXT

Title I of the Housing and Community Development Act of 1974, referred to in subsec. (a)(4), is title I of Pub. L. 93–383, §§ 101 to 118, Aug. 22, 1974, 88 Stat. 633 to 653, which is classified generally to section 5301 et seq. of Title 42, The Public Health and Welfare. For distribution of such Title in this Code, see Tables volume.

Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, referred to in subsec. (a)(5), is classified to section 3334 of Title 42.

Section 401 of the Intergovernmental Cooperation Act of 1968, referred to in subsec. (a)(5), is classified to section 4231 of Title 42.

Such Acts, referred to in subsec. (a)(5) are the Demonstration Cities and Metropolitan Development Act of 1966, which is classified to section 3301 et seq. of Title 42, and the Intergovernmental Cooperation Act of 1968, which is classified to section 4201 et seq. of Title 42.

Title XVI of the Housing and Urban Development Act of 1968, referred to in subsec. (c)(1), is classified to sections 1441a to 1441c of Title 42.

Intergovernmental Cooperation Act of 1968, refered to in subsec. (*l*), is classified to section 4201 et seq. of Title 42.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–383, § 401(a), in par. (1) substituted "States" for "State planning agencies", redesignated former pars. (2) to (11) as pars. (2) to (7), and, as so redesignated, reorganized and revised organizations, agencies, and bodies authorized to receive planning grants from the Secretary, and in provisions following redesignated numbered pars. substituted provisions relating to nature of activities authorized to be assisted and scope of such assistance for provisions relating to nature of planning authorized to be assisted and scope of such assistance for planning.

Subsec. (a)(3)(B)(ii). Pub. L. 93–288 substituted "as declared by the President pursuant to the Disaster Relief Act of 1974" for "as determined by the President pursuant to the Disaster Relief Act of 1970".

Subsec. (b). Pub. L. 93–383, § 401(b), substituted provisions setting forth activities subject to assistance for provisions setting forth maximum amounts, terms and conditions, progress payments, and appropriation for planning grants.

Subsec. (c). Pub. L. 93–383, § 401(b), substituted provisions relating to requirements of ongoing comprehensive planning processes by recipients of assistance and development, contents, modification and review of comprehensive plans for provisions authorizing the Secretary to encourage planning on a unified regional, district, or metropolitan basis.

Subsec. (d). Pub. L. 93–383, § 401(b), substituted provisions authorizing the Secretary to make grants on an annual basis after approval of initial application and subject

to specified conditions for provisions relating to encouragement of comprehensive planing and extension of technical assistance by the Secretary.

Subsec. (e). Pub. L. 93–383, § 401(b), substituted provisions setting forth maximum amounts, conditions, and authorization of appropriations for grants for provisions requiring the Secretary to consult with other officials of the Federal government.

Subsec. (f). Pub. L. 93–383, § 401(b), substituted provisions relating to encouragement of and contracts, grants, etc., for comprehensive planning for provisions relating to consent of Congress for agreements or compacts for cooperative State efforts, etc., in comprehensive planning.

Subsec. (g). Pub. L. 93–383, § 401(b), substituted provisions relating to consent of Congress for agreements or compacts for cooperative State efforts, etc., in comprehensive planning for provisions authorizing the Secretary to make grants to organizations composed of elected officials representative of political jurisdictions within metropolitan areas, regions or districts for studies, etc.

Subsec. (h). Pub. L. 93–383, § 401(b), substituted provisions authorizing the Secretary to make grants to organizations composed of public officials representative of political jurisdictions within metropolitan areas, regions, or districts for studies, etc., for provisions authorizing the Secretary to make grants for surveys of structures determined to be of historic or architectural value.

Subsec. (i). Pub. L. 93–383, § 401(b), substituted provisions authorizing the Secretary to make grants for surveys of structures and sites determined to be of historic or architectural value for provisions defining applicable terms.

Subsec. (j). Pub. L. 93–383, § 401(b), substituted provisions authorizing the Secretary to prescribe regulations and conditions for use of grants for provisions authorizing the Secretary to encourage State, regional, and other multijurisdictional area planning and programs.

Subsecs. (k)–(n). Pub. L. 93–383, § 401(b), added subsecs. (k) to (n).

1973—Subsec. (b). Pub. L. 93–117 authorized appropriations of $110,000,000 for fiscal year commencing July 1, 1973.

1972—Subsec. (b). Pub. L. 92–335 substituted "September 30, 1972" for "July 1, 1972".

1971—Subsec. (b). Pub. L. 92–213 substituted "$470,000,000" for "$420,000,000".

DELEGATION OF AUTHORITY TO ISSUE JOINT FUNDING REGULATIONS

Authority of the President under subsec. (*l*) of this section delegated to the Administrator of General Services, see section 3 of Ex. Ord. No. 11867, June 19, 1975, 40 F.R. 26253, set out as a note under section 4252 of Title 42, The Public Health and Welfare, and policy functions transferred to Director of Office of Management and Budget by section 1 of Ex. Ord. No. 11893, Dec. 31, 1975, 41 F.R. 1040, set out as a note under section 4252 of Title 42.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

ADMINISTRATIVE PRIORITY FOR APPLICATIONS RELATING TO ACTIVITIES IN AREAS AFFECTED BY BASE CLOSINGS

State or unit of local government or agency thereof affected by reduction in level of expenditure or employment at Department of Defense installation located in or near such State or unit of local government, priority in processing applications for assistance under subsec. (b) of this section, see section 1453a of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1749d; title 16 sections 460*l*–8, 1247; title 42 sections 1453a, 1962c, 1962c–2, 2985b, 3151, 3254a, 3255, 3338.

§ 462. Reserve of planned public works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 sections 3151, 5153.

Chapter 10.—MANAGEMENT AND DISPOSAL OF GOVERNMENT PROPERTY

SUBCHAPTER II.—PROPERTY MANAGEMENT

Sec.
490a. Transfer of moneys in section 490(f) fund into special account [New].

SUBCHAPTER VI.—SELECTION OF ARCHITECTS AND ENGINEERS [NEW]

541. Definitions.
542. Congressional declaration of policy.
543. Requests for data on architectural and engineering services.
544. Negotiation of contracts for architectural and engineering services.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 10 section 2676; title 15 section 205f; title 16 sections 460*l*–15, 460bb–2; title 20 section 1221e; title 22 sections 277d–36, 277e, 2876; title 42 sections 1961c–8, 3193.

CHAPTER REFERRED TO IN D.C. CODE

This chapter is referred to in section 37–109 of the District of Columbia Code.

SUBCHAPTER I.—GENERAL PROVISIONS

§ 471. Congressional declaration of policy.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 460ee.

§ 472. Definitions.

As used in titles I though VI of this Act—

* * * * *

(f) The term "foreign excess property" means any excess property located outside the States of the Union, the District of Columbia, Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

* * * * *

(As amended Jan. 2, 1975, Pub. L. 93–594, 88 Stat. 1926.)

* * * * *

AMENDMENTS

1975—Subsec. (f). Pub. L. 93–594 added "American Samoa, Guam, the Trust Territory of the Pacific Islands" following "Puerto Rico".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 sections 2573, 2667; title 42 sections 1455, 3193.

§ 474. Congress, departments, agencies, corporations, and persons exempted from provisions.

The authority conferred by this Act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except as provided by the Office of Federal Procurement Policy Act, and except that sections 486(b) and 487(c) of this title shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act.

* * * * *

(As amended Aug. 30, 1974, Pub. L. 93–400, § 15(4), 88 Stat. 800.)

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in text, is Pub. L. 93–400, which amended this section and sections 481 and 487 of this title, section 5315 of Title 5, Government Organization and Employees, and enacted section 401 et seq. of Title 41, Public Contracts.

AMENDMENTS

1974—Pub. L. 93–400 substituted "inconsistent herewith, except as provided by the Office of Federal Procurement Policy Act, and except" for "inconsistent herewith, except" in the opening paragraph.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 752, 759 of this title; title 10 section 7308; title 41 section 252.

§ 475. Appropriations; fund transfer authority.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

SUBCHAPTER II.—PROPERTY MANAGEMENT

§ 481. Procurement, warehousing, and related activities.

(a) The Administrator shall, in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program activities of the agencies concerned—

(1) subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act, prescribe policies and methods of procurement and supply of personal property and nonpersonal services, including related functions such as contracting, inspection, storage, issue, property identification and classification, transportation and traffic management, management of public utility services, and repairing and converting; and

* * * * *

(c) In acquiring personal property, any executive agency, under regulations to be prescribed by the Administrator, subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act, may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for the property acquired: *Provided,* That any transaction carried out under the authority of this subsection shall be evidenced in writing.

* * * * *

(As amended Aug. 30, 1974, Pub. L. 93–400, § 15 (1), (2), 88 Stat. 800.)

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in subsecs. (a) and (c), is Pub. L. 93–400, which amended this section and sections 474 and 487 of this title, section 5315 of Title 5, Government Organization and Employees, and enacted section 401 et seq. of Title 41, Public Contracts.

AMENDMENTS

1974—Subsec. (a)(1). Pub. L. 93–400, § 15(1), made the authority of the Administrator to prescribe policies and methods subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act.

Subsec. (c). Pub. L. 93–400, § 15(2), substituted "the Administrator, subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act, may exchange" for "the Administrator, may exchange".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 474, 475, 752, 755, 756, 759 of this title; title 10 section 2381; title 22 section 2674; title 50 section 491.

§ 483. Property utilization.

(a) Policies and methods; transfer of excess property among Federal agencies and other organizations; transfer of real property located in Indian reservations to the Secretary of the Interior.

(1) Subject to the provisions of paragraph (2) of this subsection, in order to minimize expenditures for property, the Administrator shall prescribe policies and methods to promote the maximum utilization of excess property by executive agencies, and he shall provide for the transfer of excess property among Federal agencies and to the organizations specified in section 756(f) of this title. The Administrator, with the approval of the Director of the Office of Management and Budget, shall prescribe the extent of reimbursement for such transfers of excess property: *Provided,* That reimbursement shall be required of the fair value, as determined by the Administrator, of any excess property transferred whenever net proceeds are requested pursuant to section 485(c) of this title or whenever either the transferor or the transferee agency (or the organizational unit affected) is subject to the Government Corporation Control Act or is an organization specified in section 756(f) of this title; and that excess property determined by the Administrator to be suitable for distribution through the supply centers of the General Services Administration shall be retransferred as prices fixed by the Administrator with due regard to prices established in accordance with secton 756(b) of this title.

(2) The Administrator shall prescribe such procedures as may be necessary in order to transfer without compensation to the Secretary of the Interior excess real property located within the reservation of any group, band, or tribe of Indians which is recognized as eligible for services by the Bureau of Indian Affairs. Such excess real property shall be held in trust by the Secretary for the benefit and use of the group, band, or tribe of Indians, within whose reservation such excess real property is located: *Provided,* That such transfers of real property within the State of Oklahoma shall be made to the Secretary of the Interior to be held in trust for Oklahoma Indian tribes recognized by the Secretary of the Interior when such real property (1) is located within boundaries of former reservations in Oklahoma as defined by the Secretary of Interior and when such real property was held in trust by the United States for an Indian tribe at the time of acquisition by the United States, or (2) is contiguous to real property presently held in trust by the United States for an Oklahoma Indian tribe and

was at any time held in trust by the United States for an Indian tribe.

* * * * *

(As amended Jan. 2, 1975, Pub. L. 93–599, 88 Stat. 1954.)

AMENDMENTS

1975—Subsec. (a)(1). Pub. L. 93–599 redesignated existing subsec. (a) as (a)(1), and in subsec. (a)(1) as so redesignated, substituted, "Subject to the provisions of paragraph (2) of this subsection, in order to minimize" for "In order to minimize".

Subsec. (a)(2). Pub. L. 93–599 added subsec. (a)(2).

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 481, 512, 752 of this title.

§ 483a. Transfer of vessels between Departments.

REPEALED

Pub. L. 92–204, title VII, § 717, Dec. 18, 1971, 85 Stat. 730; Pub. L. 92–570, title VII, § 717, Oct. 26, 1972, 86 Stat. 1199; Pub. L. 93–238, title VII, § 717, Jan. 2, 1974, 87 Stat. 1041; Pub. L. 93–437, title VIII, § 817, Oct. 8, 1974, 88 Stat. 1228.

§ 484. Disposal of surplus property.

* * * * *

(e) Bids for disposal; advertising; procedure; disposal by negotiation; explanatory statement.

* * * * *

(3) Disposals and contracts for disposal may be negotiated, under regulations prescribed by the Administrator, without regard to paragraphs (1) and (2) of this subsection but subject to obtaining such competition as is feasible under the circumstances, if—

* * * * *

(I) otherwise authorized by this Act or other law.

* * * * *

(k) Disposals by Secretary of Health, Education, and Welfare, Secretary of the Interior, Secretary of Defense, and civil defense personnel.

* * * * *

(3) Without monetary consideration to the United States, the Administrator may convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and interest of the United States in and to any surplus real and related personal property which the Secretary of the Interior has determined is suitable and desirable for use as a historic monument, for the benefit of the public. No property shall be determined to be suitable or desirable for use as a historic monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 463 of Title 16, and only so much of any such property shall be so determined to be suitable or desirable for which such use as is necessary for the preservation and proper observation of its historic features.

(A) The Administrator may authorize use of any property conveyed under this subsection or the Surplus Property Act of 1944, as amended, for revenue-producing activities if the Secretary of the Interior (i) determines that such activities are compatible with use of the property for historic monument purposes, (ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property, and (iii) approves the grantee's plan for financing repair, rehabilitation, restoration, and maintenance of the property. The Secretary shall not approve a financial plan unless it provides that incomes in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the grantee only for public historic preservation, park, or recreational purposes. The Administrator may not authorize any uses under this subsection until the Secretary has examined and approved the accounting and financial procedures used by the grantee. The Secretary may periodically audit the records of the grantee, directly related to the property conveyed.

(B) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

(i) shall provide that all such property shall be used and maintained for historical monument purposes in perpetuity, and that in the event that the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

(C) "States" as used in this subsection, includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(4) Subject to the disapproval of the Administrator within thirty days after notice to him of any action to be taken under this subsection—

(A) The Secretary of Health, Education, and Welfare, through such officers or employees of the Department of Health, Education, and Welfare as he may designate, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions, and instrumentalities thereof, and tax-supported and other nonprofit educational institutions for school, classroom, or other educational use;

(B) the Secretary of Health, Education, and Welfare, through such officer or employees of the Department of Health, Education, and Welfare as he may designate, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions and instrumentalities thereof, tax-supported medical institutions, and to hospitals and other similar institutions not operated for profit, for use in the protection of public health (including research);

(C) the Secretary of the Interior, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant

to this Act, to States, political subdivisions, and instrumentalities thereof, and municipalities for use as a public park, public recreational area, or historic monument for the benefit of the public;

(D) the Secretary of Defense, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, to States, political subdivisions, and tax-supported instrumentalities thereof for use in the training and maintenance of civilian components of the armed forces; or

(E) the Federal Civil Defense Administrator, in the case of property transferred pursuant to this Act, to civil defense organizations of the States or political subdivisions or instrumentalities thereof which are established by or pursuant to State law,

is authorized and directed—

(i) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

(ii) to reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

(iii) to (I) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (II) convey, quitclaim, or release to the transferee or other eligible user any right or interest reserved to the United States by, any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided,* That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he shall deem necessary to protect or advance the interests of the United States.

* * * * *

(n) Cooperative agreements with State agencies.

For the purpose of carrying into effect the provisions of subsections (j) and (k)(1) of this section, the Secretary of Health, Education, and Welfare, the Federal Civil Defense Administrator, and the head of any Federal agency designated by either such officer, are authorized to enter into cooperative agreements with State surplus property distribution agencies designated in conformity with paragraph (1) of subsection (j) of this section. Such cooperative agreements may provide for utilization by such Federal agency, without payment or reimbursement, of the property, facilities, personnel, and services of the State agency in carrying out any such program, and for making available to such State agency, without payment or reimbursement, property, facilities, personnel, or services of such Federal agency in connection with such utilization. In addition, under such cooperative agreements and subject to such other conditions as may be imposed by the Secretary of Health, Education, and Welfare, or the Director, Office of Civil and Defense Mobilization, or the Administrator, Law Enforcement Assistance Administration, surplus property which the Administrator may approve for donation for use in any State for purposes of law enforcement programs, education, public health, or civil defense, or for research for any such purposes, pursuant to subsection (j)(3) or (j)(4), may with the approval of the Administrator be made available to the State agency after a determination by the Secretary or the Director or the Administrator, Law Enforcement Assistance Administration, that such property is necessary to, or would facilitate, the effective operation of the State agency in performing its functions in connection with such program. Upon a determination by the Secretary or the Director or Administrator, Law Enforcement Assistance Administration, that such action is necessary to, or would facilitate, the effective use of such surplus property made available under the terms of a cooperative agreement, title thereto may with the approval of the Administrator be vested in the State agency.

(o) Reports to Congress with respect to donations of personal property and dispositions of real property.

* * * * *

(As amended Aug. 4, 1972, Pub. L. 92–362, § 1, 86 Stat. 503; Pub. L. 90–351, title I, § 525, as added Pub. L. 93–83, § 2, Aug. 6, 1973, 87 Stat. 216.)

REFERENCES IN TEXT

For classification and history of the Surplus Property Act of 1944, as amended, referred to in subsec. (k)(3)(A), (4)(A)–(D), see note under section 473 of this title.

CODIFICATION

Subsec. (e)(3)(I) is set out in this Supplement to correct error in the main edition, including the words "or other law" at the end. The catchline of subsec. (o) is set out in this Supplement to conform subject matter of catchline to the amendment of subsec. (o) by Pub. L. 91–485.

AMENDMENTS

1973—Subsec. (n). Pub. L. 93–83 provided for the authority of the Administrator, Law Enforcement Assistance Administration, in connection with cooperative agreements respecting surplus property and for donation of surplus property in any State for purposes of law enforcement programs.

1972—Subsec. (k). Pub. L. 92–362 added par. (3) and redesignated former par. (3) as (4).

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–83 effective on and after July 1, 1973, see section 3 of Pub. L. 93–83, set out as a note under section 3701 of Title 42, The Public Health and Welfare.

TRANSFER OF FUNCTIONS

The Office of Emergency Preparedness, including the offices of Director, Deputy Director, Assistant Directors, and Regional Directors, was abolished and all functions vested by law in the Office of Emergency Preparedness or the Director of the Office of Emergency Preparedness were transferred to the President of the United States by sections 1 and 3(a)(1) of 1973 Reorg. Plan No. 1, effective July 1, 1973 set out in the Appendix to Title 5, Government Organization and Employees.

Functions of the Director of the Office of Emergency Preparedness under subsec.(n) of this section transferred to the Administrator of General Services, see section 3 of Ex. Ord. No. 11725, June 27, 1973, 38 F.R. 17175, set out as a note under section 2271 of Title 50, Appendix, War and National Defense.

The name of the Office of Emergency Planning was changed to the Office of Emergency Preparedness by Pub. L. 90–608, c. IV, § 402, Oct. 21, 1963, 82 Stat. 1194, with references in any other law to the Office of Emergency Planning to be deemed, after Oct. 21, 1968 references to the Office of Emergency Preparedness.

Civil defense functions of Office of Civil and Defense Mobilization transferred to Secretary of Defense by Ex. Ord. No. 10952, July 20, 1961, 26 F.R. 6577, as amended, set out as a note under section 2271 of Title 50, Appendix, War and National Defense, and remaining functions redesignated Office of Emergency Planning by Pub. L. 87–296, § 2, Sept. 22, 1961, 75 Stat. 630.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 490, 512, 752 of this title; title 22 section 2358.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in sections 7–1413, 31–1301, 31–1303 of the District of Columbia Code.

§ 484–1. Transfer of miscellaneous books to District Public Library.

CODIFICATION

Section is also classified to section 37–109 of the District of Columbia Code.

§ 485. Proceeds from transfer, sale, etc., of property.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Office of Management and Budget note set out under this section in the main volume.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 7–1413 of the District of Columbia Code.

§ 486. Policies, regulations, and delegations.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 11508

Ex. Ord. No. 11508, Feb. 10, 1970, 35 F.R. 2855, as amended by Ex. Ord. No. 11560, Sept. 23, 1970, 35 F.R. 14899, set out as a note under this section, which related to the identification of unneeded federal real property, was superseded by Ex. Ord. No. 11724, June 25, 1973, 38 F.R. 16837, set out as a note under this section.

EX. ORD. NO. 11724. FEDERAL PROPERTY COUNCIL

Ex. Ord. No. 11724, June 25, 1973, 38 F.R. 16837, provided:

By virtue of the authority vested in me by section 205(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(a)), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. There is hereby established in the Executive Office of the President a Federal Property Council (hereinafter referred to as the Council). The Council shall be composed of the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, and such other members from the Executive Office of the President as the President may, from time to time, specify. The President shall designate one of the members to be Chairman of the Council, and shall designate its Executive Secretary.

SEC. 2. The Council shall:

(1) develop and review Federal real property policies with respect to their relationship to other policies and to the objectives of the executive branch of the Government and recommend to the President such Federal real property policies or reforms of policies as it deems necessary; and

(2) receive the reports made by the Administrator of General Services pursuant to section 3 of this order, as well as other reports relating to Federal real property requested by the Chairman, with particular attention to resolving conflicting claims on, and alternate uses for, any property described in those reports, and it shall make such reports and submit such recommendations to the President as may be appropriate.

SEC. 3(a) The Administrator of General Services shall:

(1) conduct surveys of real property holdings of executive agencies on a continuing basis and in a manner consistent with the needs of the Council, to identify properties which are not utilized, are underutilized, or are not being put to their optimum use; and

(2) make reports to the President, through the Council, describing any property or portion thereof which has not been reported excess to the requirements of the holding agency and which, in the judgment of the Administrator is either not utilized, is underutilized, or is not being put to the optimum use, and which he recommends should be reported as excess property.

(b) The Administrator of General Services shall participate in the deliberations of the Council, where appropriate.

SEC. 4. As used in this order:

(1) the term "executive agency" means "executive agency" as defined in section 3(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(a));

(2) the term "property", however modified, means real property or an interest therein, which is covered by the definition of "property" set forth in section 3(d) of the act (40 U.S.C. 472(d)), and also lands withdrawn or reserved from the public domain which are utilized by executive agencies for purposes other than national forests, national parks, or wildlife reserves; and

(3) the term "excess property" means "excess property" as defined in section 3(e) of the act (40 U.S.C. 472(e)).

SEC. 5. Executive agencies shall cooperate with the Council in the performance of its functions, and shall, to the extent permitted by law, provide it with such information, assistance, and staff support as may be needed to carry out those functions.

SEC. 6. Executive Order No. 11508 of February 10, 1970, and Executive Order No. 11560 of September 23, 1970, are hereby superseded, and the Property Review Board is hereby abolished.

SEC. 7. This order shall be effective as of July 1, 1973.

RICHARD NIXON.

§ 487. Surveys of Government property and property management practices; utilization of uniform catalog system and standardized purchase specifications; audit.

(a) As he may deem necessary for the effectuation of his functions under this subchapter, and after adequate advance notice to the executive agencies affected, and with due regard to the requirements of the Department of Defense as determined by the Secretary of Defense, the Administrator is authorized (1) to make surveys of Government property and property management practices and obtain re-

ports thereon from executive agencies; (2) to cooperate with executive agencies in the establishment of reasonable inventory levels for property stocked by them and from time to time report any excessive stocking to the Congress and to the Director of the Office of Management and Budget; (3) to establish and maintain such uniform Federal supply catalog system as may be appropriate to identify and classify personal property under the control of Federal agencies: *Provided*, That the Administrator and the Secretary of Defense shall coordinate the cataloging activities of the General Services Administration and the Department of Defense so as to avoid unnecessary duplication; and (4) subject to regulations promulgated by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act, to prescribe standardized forms and procedures, except such as the Comptroller General is authorized by law to prescribe, and standard purchase specifications.

* * * * *

(As amended Aug. 30, 1974, Pub. L. 93–400, § 15(3), 88 Stat. 800.)

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in subsec. (a)(4), is Pub. L. 93–400, which amended this section and sections 474 and 481 of this title, section 5315 of Title 5, Government Organization and Employees, and enacted section 401 et seq. of Title 41, Public Contracts.

AMENDMENTS

1974—Subsec. (a)(4). Pub. L. 93–400 substituted "subject to regulations promulgated by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act, to prescribe standardized" for "to prescribe standardized".

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 474, 752 of this title.

§ 490. Operation of buildings and related activities by Administrator.

* * * * *

(f) Fund for real property management and related activities; establishment; deposit of revenues and collections; merger of unexpended balances; assumption of liabilities, obligations, and commitments; appropriation of advances; special services.

(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

(A) User charges made pursuant to subsection (j) of this section payable in advance or otherwise.

(B) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section.

(C) Receipts from carriers and others for loss, of, or damage to, property belonging to the fund.

(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts as are specified in annual appropriations Acts without regard to fiscal year limitations.

(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1972; (B) the Construction Services Fund, created by section 296 of this title; and (C) any funds appropriated to General Services Administration under the headings "Repair and Improvement of Public Buildings", "Construction, Public Buildings Projects", "Sites and Expenses, Public Buildings Projects", "Construction, Federal Office Building Numbered 7, Washington, District of Columbia", and "Additional Court Facilities", in any appropriation Act, for the years prior to the fiscal year in which the fund becomes operational. The fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

(4) There is authorized to be appropriated to the fund for the fiscal year in which the fund becomes operational, and for the succeeding fiscal year, such advances to the fund as may be necessary to carry out its purposes. Such advances shall be repaid within 30 years, with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such advances adjusted to the nearest one-eighth of 1 percentum.

(5) In any fiscal year there may be deposited to miscellaneous receipts in the Treasury of the United States such amount as may be specified in appropriation Acts.

(6) Nothing in this section shall preclude the Administrator from providing special services not included in the standard level user charge on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection.

* * * * *

(j) Charges for space and services furnished by Administrator; determination of rates; exemption from charges.

The Administrator is authorized and directed to charge anyone furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services, except that with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term "after" is defined in

section 612(5) of this title), the rates charged the occupant for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. The Administrator may exempt anyone from the charges required by this subsection if he determines that such charges would be infeasible or impractical. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

(k) Charges for space and services furnished by executive agencies; approval of rates by Administrator; credit to appropriation or fund.

Any executive agency, other than the General Services Administration, which provides to anyone space and services set forth in subsection (j) of this section, is authorized to charge the occupant for such space and services at rates approved by the Administrator. Moneys derived by such executive agency from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law. (As amended June 16, 1972, Pub. L. 92–313, §§ 3, 4, 86 Stat. 218, 219.)

REFERENCES IN TEXT

"Prior to its amendment by the Public Buildings Amendments of 1972", referred to in subsec. (f)(3), means prior to the amendment of this subsection by Pub. L. 92–313, which was approved June 16, 1972. For distribution of such Act in this Code, see Short Title note set out under section 603 of this title.

AMENDMENTS

1972—Subsec. (f). Pub. L. 92–313, § 3, substituted provisions relating to the establishment of a real property management financing fund in the Treasury of the United States and to the capitalization and management of such fund, for provisions relating to the establishment of a Building Management Fund by the Secretary of the Treasury and the uses of such Fund, accounting procedures applicable to such Fund, amounts appropriated to such Fund, and credits available to such Fund.

Subsecs. (j), (k). Pub. L. 92–313, § 4, added subsecs. (j) and (k).

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–313 effective June 16, 1972, and effective date of applying rates to be charged pursuant to regulations issued under subsecs. (j) and (k) of this section as determined by Administrator but not later than the beginning of the third full fiscal year subsequent to June 16, 1972, see section 11 of Pub. L. 92–313, set out as a note under section 603 of this title.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

DELEGATION OF FUNCTIONS

Authority of the Administrator of General Services under subsec. (i) of this section to prescribe regulations relating to the installation, repair, and replacement of sidewalks delegated to the Administrator of General Services, see section (20) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

OFFICE OF EMERGENCY PREPAREDNESS

The Office of Emergency Preparedness, including the offices of Director, Deputy Director, Assistant Directors, and Regional Directors, was abolished and all functions vested by law in the Office of Emergency Preparedness or the Director of the Office of Emergency Preparedness were transferred to the President of the United States by sections 1 and 3(a)(1) of 1973 Reorg. Plan No. 1, effective July 1, 1973, set out in the Appendix to Title 5, Government Organization and Employees.

ISSUANCE OR REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Administrator to issue and coordinate regulations with Office of Management and Budget and Director of such Office to approve rates for space and services furnished, see section 7 of Pub. L. 92–313, set out as a note under section 603 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 490a, 752 of this title.

§ 490a. Transfer of moneys in section 490(f) fund into special account.

Moneys now or hereafter deposited into the fund established by section 490(f) of this title, and available pursuant to annual appropriation Acts, may be transferred and consolidated on the books of the Treasury Department into a special account pursuant to section 296 of this title, in accordance with and for the purposes specified in such section. (Pub. L. 94–91, title IV, § 401, Aug. 9, 1975, 89 Stat. 452.)

SUBCHAPTER III.—FOREIGN EXCESS PROPERTY

§ 514. General provisions.

TRANSFER OF FUNCTIONS

All functions by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

SUBCHAPTER VI.—SELECTION OF ARCHITECTS AND ENGINEERS [NEW]

§ 541. Definitions.

As used in this subchapter—

(1) The term "firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

(2) The term "agency head" means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

(3) The term "architectural and engineering services" includes those professional services of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform. (June 30, 1949, ch. 288, title IX, § 901, as added Oct. 27, 1972, Pub. L. 92–582, 86 Stat. 1278.)

§ 542. Congressional declaration of policy.

The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and

engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices. (June 30, 1949, ch. 288, title IX, § 902, as added Oct. 27, 1972, Pub. L. 92–582, 86 Stat. 1279.)

§ 543. Requests for data on architectural and engineering services.

In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required. (June 30, 1949, ch. 288, title IX, § 903, as added Oct. 27, 1972, Pub. L. 92–582, 86 Stat. 1279.)

§ 544. Negotiation of contracts for architectural and engineering services.

(a) The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

(c) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached. (June 30, 1949, ch. 288, title IX, § 904, as added Oct. 27, 1972, Pub. L. 92–582, 86 Stat. 1279.)

Chapter 12.—CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS

Sec.

602a. Lease-purchase contracts [New].
(a) Authority of Administrator; terms; vesting of title; application of installment payments to purchase price; procedures; report of negotiations to congressional committees; solicitation of proposals.
(b) Contract provisions; limitations on amount of payments.
(c) Utilization of funds for payments.
(d) State and local taxes.
(e) Agreements to effectuate purposes; development and improvement of land; construction of projects previously approved; increase of estimated maximum cost.
(f) Submission and approval of prospectus as prerequisite; exceptions; procedure.
(g) Expiration of contracting authority.
(h) Prohibition on providing space until expiration of 30 days from notification of congressional committees by Administrator.
616. Dwight D. Eisenhower Memorial Bicentennial Civic Center [New].
(a) Development, construction, operation, and maintenance of facilities for conventions, exhibitions, meetings, and other social, cultural, and business activities; location.
(b) Plan, design, and costs of civic center; administrative approval and review; filing plats showing opening, extension, widening, or closing of streets, roads, highways, and alleys.
(c) Land acquisition.
(d) Contract authority; leases: term, nominal rental; purchase contracts: payment term, vesting of title in the District of Columbia, application of installment payments to purchase price, provisions securing performance of obligations, amortization, interest rate, reimbursement of contractors for certain costs, and Congressional Committee approval of design, plans, and specifications.
(e) Full faith and credit of the District of Columbia.
(f) Gifts, services, securities, and other property: acceptance and administration; operation of civic center: District of Columbia or other entity; contractual operation: terms and conditions, employment of Federal, District of Columbia, and voluntary personnel.

CHAPTER REFERRED TO IN OTHER SECTIONS

This Chapter is referred to in title 42 section 5817.

§ 602a. Lease-purchase contracts.

(a) Authority of Administrator; terms; vesting of title; application of installment payments to purchase price; procedures; report of negotiations to congressional committees; solicitation of proposals.

Whenever the Administrator of General Services determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space by entering into purchase contracts, the terms of which shall not be more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder. Each purchase contract authorized by this section shall be entered into pursuant to the provisions of title III of the Federal Property and Administrative Services Act of 1949, as amended. If any such contract is negotiated, the determination and findings supporting such negotiation shall be promptly reported in writing to the Committees

on Public Works of the Senate and House of Representatives. Proposals for purchase contracts shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the facility to be procured.

(b) Contract provisions; limitations on amount of payments.

Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

(1) amortize the cost of construction of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if not owned by the United States; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under paragraph (1) above; and

(3) reimburse the contractor for the cost of any other obligations required of him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractor.

(c) Utilization of funds for payments.

Funds available on June 16, 1972, for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

(d) State and local taxes.

With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

(e) Agreements to effectuate purposes; development and improvement of land; construction of projects previously approved; increase of estimated maximum cost.

For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess. Projects heretofore approved pursuant to the provisions of this chapter may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes, be considered as prospectuses for the purchase of space, except that any such project shall be subject to the requirements of section 606(b) of this title, based upon an estimated maximum cost increased by not more than an average of 10 per centum per year, exclusive of financing or other costs attributable to the use of the method of construction authorized by this section.

(f) Submission and approval of prospectus as prerequisite; exceptions; procedure.

Except for previously approved prospectuses referred to in subsection (e) of this section, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefore has been submitted and approved in accordance with section 606 of this title.

(g) Expiration of contracting authority.

No purchase contract shall be entered into under the authority granted under this section after the end of the third fiscal year which begins after June 16, 1972.

(h) Prohibition on providing space until expiration of 30 days from notification of congressional committees by Administrator.

No space shall be provided pursuant to this section until after the expiration of 30 days from the date upon which the Administrator of General Services notifies the Committees on Appropriations of the Senate and House of Representatives of his determination that the best interests of the Federal Government will be served by providing such space by entering into a purchase contract therefor. (Pub. L. 92–313, § 5, June 16, 1972, 86 Stat. 219.)

REFERENCES IN TEXT

Title III of the Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is title III of act June 30, 1949, ch. 288, 63 Stat. 393, and is classified to section 251 et seq. of Title 41, Public Contracts.

CODIFICATION

Section was enacted as part of the Public Buildings Amendments of 1972 and not as part of the Public Buildings Act of 1959, which comprises this chapter.

EFFECTIVE DATE

Section effective June 16, 1972, see section 11 of Pub. L. 92–313, set out as a note under section 603 of this title.

ISSUANCE OF REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Administrator to issue and coordinate regulations with Office of Management and Budget and Director of such Office to approve rates for space and services furnished, see section 7 of Pub. L. 92–313, set out as a note under section 603 of this title.

§ 603. Alteration of buildings; acquisition of land; exemption from committee approval.

* * * * *

(b) No approval under section 606 of this title shall be required for any alteration and acquisition

authorized by this section the estimated maximum cost of which does not exceed $500,000. (As amended Pub. L. 92–313, § 2(1), June 16, 1972, 86 Stat. 216.)

AMENDMENTS

1972—Subsec. (b). Pub. L. 92–313 substituted "$500,000" for "$200,000".

EFFECTIVE DATE OF 1972 AMENDMENT

Section 11 of Pub. L. 92–313 provided that: "This Act [see Short Title note set out under this section] shall become effective upon enactment [June 16, 1972]. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended [section 490(j) and (k) of this title], shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof."

SHORT TITLE OF 1972 AMENDMENTS.

Section 1 of Pub. L. 92–313 provided: "That this Act [which enacted section 602a of this title, amended this section and sections 490, 606, and 611 of this title, and enacted provisions set out as notes under this section and section 175 of this title] may be cited as the 'Public Buildings Amendments of 1972'."

ISSUANCE OF REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Section 7 of Pub. L. 92–313 provided that: "To carry out the provisions of the Public Buildings Amendments of 1972 [see Short Title note set out under this section], the Administrator of General Services shall issue such regulations as he deems necessary. Such regulations shall be coordinated with the Office of Management and Budget, and the rates established by the Administrator of General Services pursuant to sections 210(j) and 210(k) of the Federal Property and Administrative Services Act of 1949, as amended [section 490(j) and (k) of this title], shall be approved by the Director of the Office of Management and Budget."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 606, 614 of this title.

§ 606. Approval of proposed projects by Congress.

(a) Limitation of funds; transmission to Congress of prospectus of proposed project.

In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 603 of this title, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of $500,000 if such construction, alteration, purchase, or acquisiton has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. No appropriations shall be made to lease any space at an average annual rental in excess of $500,000 for use for public purposes if such lease has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. For the purpose of securing consideration for such approval, the Administrator shall transmit to the Congress a prospectus of the proposed facility, including (but not limited to)—

(1) a brief description of the building to be constructed, altered, purchased, acquired, or the space to be leased under this chapter;

(2) the location of the building or space to be leased and an estimate of the maximum cost to the United States of the facility to be constructed, altered, purchased, acquired, or the space to be leased;

(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings;

(4) with respect to any project for the construction, alteration, purchase, or acquisition of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action; and

(5) a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the building to be constructed, altered, purchased, acquired, or the space to be leased.

(b) Increase of estimated maximum cost.

The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

(c) Rescission of approval for failure to make appropriations for project.

In the case of any project approved for construction, alteration, or acquisition by the Committees on Public Works of the Senate and of the House of Representatives, respectively, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made.

(d) Emergency leases by the Administrator.

Nothing in this section shall be construed to prevent the Administrator from entering into emergency leases during any period declared by the President to require such emergency leasing authority, except that no such emergency lease shall be for a period of more than 180 days without approval of a prospectus for such lease in accordance with subsection (a) of this section. (As amended Pub. L. 92–313, § 2(4), June 16, 1972, 86 Stat. 217.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–313 added provisions relating to the purchase of any building to be used as a public building and the lease of any space for use for public purposes, increased from $100,000 for construction and acquisition and from $200,000 for alteration to $500,000 as the maximum appropriation authorized to be made for the construction, alteration, purchase, and acquisition of any building without specified approval pursuant to resolutions adopted by the Committees on

Public Works of the Senate and House of Representatives, and expanded required contents of prospectus transmitted by the Administrator to the Congress.

Subsecs. (b), (c). Pub. L. 92–313 reenacted provisions without change.

Subsec. (d). Pub. L. 92–313 substituted provisions authorizing the Administrator to enter into emergency leases in accordance with the specified conditions for provisions setting forth restrictions on the approval of new projects.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–313 effective June 16, 1972, see section 11 of Pub. L. 92–313, set out as a note under section 603 of this title.

ISSUANCE OR REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Administrator to issue and coordinate regulations with office of Management and Budget and Director of such Office to approve rates for space and services furnished, see section 7 of Pub. L. 92–313, set out as a note under section 603 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 602a, 603, 605, 610, 611 of this title.

§ 607. Buildings and sites within District of Columbia.

* * * * *

(d) Stadium; contracts for athletic and other events; additional seating capacity: financing, terms and conditions; restriction of right to revenues.

(1) Notwithstanding the District of Columbia Stadium Act of 1957 (D.C. Code, secs. 2–1720 to 2–1729) or any other provision of law, the Armory Board (hereafter in this subsection referred to as the "Board"), created by the Act of June 4, 1948 (D.C. Code, sec. 2–1702), is hereby authorized to enter into contracts for the conduct in the Robert F. Kennedy Stadium authorized by such Act of 1957 of major league football, baseball, and softball, and motorcycle races, rodeos, musical concerts, and other events, and to increase the seating capacity of such stadium by an additional number of seats, not to exceed eight thousand, and at a cost not to exceed $1,500,000. Notwithstanding such Act of 1957, or any other provision of law, the Board is further authorized to borrow such sums as may be necessary to provide for the additional seating authorized by this subsection in accordance with the following terms and conditions, which terms and conditions shall be effective during the period that any of such sums so borrowed remain unpaid:

(A) 50 per centum of all revenues from professional football derived from such additional seats shall be used solely for the purpose of repaying the sums borrowed for such seats;

(B) 44 per centum of such revenues shall be paid to the team operating under the trade name of the Washington Redskins, or its sucessors; and

(C) 6 per centum of such revenues shall be subject to the provisions of section 6 of such Act of 1957 (D.C. Code, sec. 2–1724).

(2) In no case shall the National Football League or any team within such league (other than the aforementioned Redskins team or its successors), during the period within which any part of such sums so borrowed pursuant to paragraph (1) of this subsection remains unpaid, be considered as being entitled to, or as acquiring any right in connection with, any part of the revenues attributable to the additional seats authorized by this subsection. (As amended Pub. L. 93–72, July 10, 1973, 87 Stat. 169.)

AMENDMENTS

1973—Subsec. (d). Pub. L. 93–72 added subsec. (d).

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 611. Continuing investigation and survey of public buildings; cooperation with Federal agencies; construction and acquisition of buildings with due regard to comparative urgency of need; development of plans for buildings with due consideration to excellence of architecture and design.

(a) The Administrator is authorized and directed to make a continuing investigation and survey of the public buildings needs of the Federal Government in order that he may carry out his duties under this chapter, and to submit to Congress prospectuses of proposed projects in accordance with section 606(a) of this title.

* * * * *

(c) The Administrator in carrying out his duties under this chapter shall provide for the construction and acquisition of public buildings equitably throughout the United States with due regard to the comparative urgency of the need for each particular building. In developing plans for such new buildings, the Administrator shall give due consideration to excellence of architecture and design. (As amended Pub. L. 92–313, § 2 (2), (3), June 16, 1972, 86 Stat. 216, 217.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–313, § 2(2), struck out "as he determines necessary," following "this chapter, and,".

Subsec. (c). Pub. L. 92–313, § 2(3), added provisions relating to the development of plans for new buildings by the Administrator.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–313 effective June 16, 1972, see section 11 of Pub. L. 92–313, set out as a note under section 603 of this title.

ISSUANCE OR REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Administrator to issue and coordinate regulations with Office of Management and Budget and Director of such Office to approve rates for space and services furnished, see section 7 of Pub. L. 92–313, set out as a note under section 603 of this title.

§ 612. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 490 of this title.

§ 616. Dwight D. Eisenhower Memorial Bicentennial Civic Center.

(a) Development, construction, operation, and maintenance of facilities for conventions, exhibitions, meetings, and other social, cultural, and business activities; location.

In order to provide for the District of Columbia facilities for the holding of conventions, exhibitions,

meetings, and other social, cultural, and business activities, the Commissioner of the District of Columbia (hereinafter, "Commissioner") is authorized to provide for the development, construction, operation, and maintenance of the civic center to be designated as the Dwight D. Eisenhower Memorial Bicentennial Civic Center on a site in the Northwest section of the District of Columbia within an area bounded by Eighth Street, H Street, Tenth Street, New York Avenue, and K Street.

(b) Plan, design, and costs of civic center; administrative approval and review; filing plats showing opening, extension, widening, or closing of streets, roads, highways, and alleys.

(1) Such civic center shall be in accordance with a plan, indicating the design and estimated costs, approved by the Commissioner and the District of Columbia Council, and approved by the National Capital Planning Commission pursuant to section 71d of this title (D.C. Code, sec. 1–1005) and section 16 of the Act approved June 20, 1938 (D.C. Code, sec. 5–428), and reviewed by the Commissioner of Fine Arts to the extent required by section 1 of the Act approved May 16, 1930 (D.C. Code, sec. 5–410).

(2) Notwithstanding the provisions of section 12 of the District of Columbia Redevelopment Act of 1945, as amended (D.C. Code, sec. 5–711), the urban renewal plan, approved pursuant to section 6(b)(2) of such Act (D.C. Code, sec. 5–705(b)(2)), for an urban renewal area in which the civic center is located shall be deemed to be modified by the plan approved pursuant to this subsection and the National Capital Planning Commission shall certify such urban renewal plan, as modified, to the District of Columbia Redevelopment Land Agency.

(3) In the development of the civic center in accordance with the plan approved pursuant to this subsection, the Commissioner, notwithstanding any other provision of law, may open, extend, widen, or close any street, road, highway, or alley, or part thereof, by the filing of a plat or plats in the Office of the Surveyor of the District of Columbia showing such opening, extension, widening, or closing.

(c) Land acquisition.

The Commissioner shall acquire by purchase, gift, condemnation, or otherwise, all real property necessary to provide for the civic center.

(d) Contract authority; leases: term, nominal rental; purchase contracts: payment term, vesting of title in the District of Columbia, application of installment payments to purchase price, provisions securing performance of obligations, amortization, interest rate, reimbursement of contractors for certain costs, and Congressional Committee approval of design, plans, and specifications.

(1) The Commissioner is authorized to enter into purchase contracts, including negotiated contracts, for the financing, design, construction, and maintenance of the civic center. The Commissioner is further authorized to lease the site described in subsection (a) of this section at a nominal rental for a period of not more than thirty-five years. The payment term of said purchase contracts shall not be more than thirty years from the date of acceptance of the civic center and such purchase contracts shall provide that title to the civic center shall vest in the District of Columbia at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in the purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

(2) Such purchase contracts shall include such provisions as the Commissioner, in his discretion, shall deem to be in the best interest of the District of Columbia and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the Commissioner. The purchase contracts shall provide for payments to be made to—

(A) amortize the cost of site acquisition, including relocation payments required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and such other moneys as may be advanced by the contractors to the District of Columbia;

(B) amortize the cost of construction of improvements to be constructed;

(C) provide a reasonable rate of interest on the outstanding principal as determined under subparagraphs (A) and (B) above; and

(D) reimburse the contractors for the cost of any other obligations required of them under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractors.

(3) For the purpose of the purchase contracts provided by this subsection for the erection of the civic center, the Commissioner is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity to effectuate any of the purposes of this subsection.

(4) No purchase contract for the construction of such civic center shall be entered into, pursuant to the authority of this section, until thirty legislative days following submittal to and approval by the Senate and House Committees for the District of Columbia, and the Senate and House Committees on Appropriations, of the design, plans, and specifications, including detailed cost estimates, of such civic center.

(e) Full faith and credit of the District of Columbia.

The full faith and credit of the Government of the District of Columbia is hereby committed to guarantee, upon such terms and conditions as may be prescribed by the Commissioner, the fulfillment of all obligations imposed by the provision of this section.

(f) Gifts, services, securities, and other property: acceptance and administration; operation of civic center: District of Columbia or other entity; contractual operation: terms and conditions, employment of Federal, District of Columbia, and voluntary personnel.

(1) The Commissioner is authorized to accept and administer gifts, personal services, securities, or other property of whatever character to aid in carrying out the purposes of this section.

(2) The Commissioner is further authorized to provide for the operation of any or all aspects of the civic center by any department or agency of the Government of the District of Columbia, or may

provide for the performance of such operations, including the use or rental of the civic center or its equipment, motor vehicle parking facilities, concessions, and other activities, by contract entered into with any person, copartnership, corporation, or other public or private entity, upon such terms and conditions as may be stipulated in the agreements, and for such purposes may utilize or employ the services of personnel of any agency or instrumentality of the United States or the District of Columbia, with the consent of such agency or instrumentality, upon a reimbursable or nonreimbursable basis, and may utilize voluntary or uncompensated personnel. (Pub. L. 86–249, § 18, as added Pub. L. 92–520, § 3, Oct. 21, 1972, 86 Stat. 1019.)

REFERENCES IN TEXT

For classification in the Code of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (d)(2)(A), see Short Title note set out under section 4601 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE

Section 41(a) of Pub. L. 92–520 provided in part that this section and provisions set out as notes under this section shall take effect on Oct. 21, 1972.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

SHORT TITLE

Section 1 of Pub. L. 92–520 provided that such Act, which enacted this section and provisions set out as notes under this section and other provisions not classified to the Code may be cited as the "Dwight D. Eisenhower Memorial Bicentennial Civic Center Act".

CONGRESSIONAL FINDINGS AND DECLARATION

Section 2 of Pub. L. 92–520 provided that:

"The Congress hereby finds and declares that—

"(1) It is essential to the social and economic development of the District of Columbia to establish major centers of commercial and economic activity within the city;

"(2) such a center of activity would result from the development of a civic center located in the downtown area of the District of Columbia;

"(3) a civic center would (A) attract large numbers of visitors to the downtown area and result in increased business activity in the area surrounding the center; (B) enable national organizations to hold their conventions and other meetings in the District of Columbia and thereby encourage citizens from the entire Nation to visit their Capital City; (C) provide a new source of revenue for the District of Columbia as a consequence of its operations and the expanded commercial activities resulting therefrom; and (D) provide expanded employment opportunities for residents of the District of Columbia;

"(4) it is fitting that said civic center be established as a memorial to the late President, Dwight D. Eisenhower;

"(5) the prompt provision of major convention facilities in the District of Columbia will significantly contribute to the commemoration of the Nation's bicentennial year; and

"(6) the powers conferred by this Act [Pub. 92–520] are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest."

Chapter 16.—GENERAL SERVICES ADMINISTRATION

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 16 sections 460*l*–15, 460bb–2; title 20 section 1221e; title 22 sections 277d–36, 2876.

§ 752. Transfer of functions.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 754. Redistribution of Administrator's functions.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 755. Transfer of funds.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 756. General Supply Fund.

* * * * *

(e) Audit; surplus; report to Congress.

(1) As of June 30 of each year, there shall be covered into the United States Treasury as miscellaneous receipts any surplus in the General Supply Fund, all assets, liabilities, and prior losses considered, above the amounts transferred or appropriated to establish and maintain said fund.

(2) The Comptroller General shall make audits of the General Supply Fund in accordance with the provisions of the Accounting and Auditing Act of 1950 and make reports on the results thereof.

* * * * *

(As amended Jan. 2, 1975, Pub. L. 93–604, title VII, § 701, 88 Stat. 1963.)

REFERENCES IN TEXT

The Accounting and Auditing Act of 1950, referred to in subsec. (e)(2), is classified to section 65 et seq. of Title 31, Money and Finance.

AMENDMENTS

1975—Subsec. (e). Pub. L. 93–604 substantially reenacted existing provisions and substituted requirement

that the audit of the General Supply Fund shall be made in accordance with the Accounting and Auditing Act of 1950 for requirement that the audit shall be made as of June 30, and struck out requirement that the Comptroller General shall report to the Congress annually the results of the audit, together with such recommendations as he may have regarding the status and operations of the fund.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 483, 491 of this title.

§ 759. Procurement, maintenance, operation and utilization of automatic data processing equipment.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 1959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

Functions of the Office of Management and Budget approving standards on behalf of the President pursuant to subsec. (f)(2) of this section transferred to the Secretary of Commerce, see section 2 of Ex. Ord. No. 11717, May 9, 1973, 38 F.R. 12315, set out as a note under section 16 of Title 31, Money and Finance.

Chapter 17.—ALASKA COMMUNICATIONS DISPOSAL

§ 781. Matters relative to transfer.

ABOLITION OF FEDERAL FIELD COMMITTEE FOR DEVELOPMENT PLANNING IN ALAKSA

For termination of Federal Field Committee for Development Planning in Alaska, see Ex. Ord. No. 11608, set out as a note under section 3191 of Title 42, The Public Health and Welfare.

Chapter 18.—NATIONAL VISITOR CENTER FACILITIES; CAPITOL GUIDE SERVICE

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 49 section 1653.

§ 802. Terms and conditions of agreements and leases.

(a) General provisions.

The agreements and leases authorized by section 801 of this title shall be subject to the following terms and conditions:

* * * * *

(2) Commencement; term.

the lease of the Union Station Building shall commence on a date to be mutually agreed upon and shall not be for a term of more than twenty-five years;

(3) Parking facilities; term.

the Company, in consultation with the Secretary, shall construct all or part of a parking facility, including necessary approaches and ramps for adequate circulation, to accommodate automobiles, charter buses, and other transportation, as appropriate, in the airspace northerly of and adjacent to the existing Union Station Building, and such structure shall be leased to the United States for a term not to exceed twenty-five years commencing upon a date to be mutually agreed upon;

* * * * *

(c) Supplemental alterations and construction; competitive bidding or negotiated contract; Federal title; purchase option; limitation of fund.

In addition to the alterations and construction by the company pursuant to subsection (a) of this section, the Secretary is authorized to undertake, directly by competitive bidding or, if he deems it to be in the best interest of the United States, by negotiated contract with the company, its successors, agents, and assigns, such alterations and construction, with regard to the Union Station Building and the adjacent parking facility, as he deems necessary to supplement the activities of the company in providing adequate facilities for visitors under the agreements and leases referred to in subsection (a) of this section. The Secretary may exercise the authority under this subsection without regard to whether or not title to the Union Station Building or the airspace adjacent thereto is in the United States: *Provided*, That he shall have entered into an agreement for a lease (but such lease need not have commenced) with the company incorporating the provisions of paragraph (5) of subsection (a) of this section prior to the exercise of the authority under this subsection: *And provided further*, That not to exceed $21,580,000 of the funds authorized to be appropriated in section 807 of this title shall be available for the Secretary to carry out the provisions of this subsection. (As amended Pub. L. 93–62, § 1, July 6, 1973, 87 Stat. 146; Pub. L. 93–478, §§ 1–3, Oct. 26, 1974, 88 Stat. 1449.)

AMENDMENTS

1974—Subsec. (a)(2). Pub. L. 93–478, § 1, substituted "mutually agreed upon" for "mutually agreed upon contingent upon when such facilities are available for public use,".

Subsec. (a)(3). Pub. L. 93–478, § 2, substituted "shall construct all or part of a parking facility, including necessary approaches and ramps for adequate circulation, to accommodate automobiles, charter buses, and other transportation, as appropriate, in the airspace northerly of and adjacent to the existing Union Station Building, and such structure shall be leased to the United States for a term not to exceed twenty-five years commencing upon a date to be mutually agreed upon" for "shall construct a parking facility, including necessary approaches and ramps, to accommodate as nearly as possible four thousand motor vehicles in the air space northerly of and adjacent to the existing Union Station Building, and such facility shall, upon completion, be leased to the United States for a term not to exceed twenty-five years".

Subsec. (c). Pub. L. 93–478, § 3, substituted "$21,580,000" for "$8,680,000".

1973—Subsec. (c). Pub. L. 93–62 added subsec. (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 808 of this title; title 49 section 1653.

§ 804. Interpretive transportation services; Federal areas.

The Secretary is directed to utilize the authority under sections 1 and 2 to 4 of Title 16, as amended and supplemented, to provide interpretive transportation services between or in Federal areas within the District of Columbia and environs, including, but not limited to, transportation of visitors on, among, and between the Mall, the Ellipse, the National Visitor Center, John F. Kennedy Center for the Performing Arts, and East and West Potomac Park, and such other visitor facilities as may be established pursuant to this chapter, and, with the concurrence of

the Architect of the Capitol, to provide such services on, among, and between such areas and the United States Capitol Grounds. The Secretary shall determine that such services are desirable to facilitate visitation and to insure proper management and protection of such areas. Such interpretive transportation services shall, notwithstanding any other provision of law to the contrary, be deemed transportation by the United States and shall be under the sole and exclusive charge and control of the Secretary. (As amended Pub. L. 93–62, § 2, July 6, 1973, 87 Stat. 146).

AMENDMENTS

1973—Pub. L. 93–62 substituted provisions for interpretive transportation services between or in Federal areas, for former provisions respecting parking facility, transfer of property for vehicular access to public roads and highways, and alteration of traffic pattern in United Station Plaza after consultation with Architect of Capitol.

§ 807. Authorization of appropriations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 802 of this title.

§ 851. Capitol Guide Service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 60j.

Chapter 19.—CAPITOL AND WHITE HOUSE PENNSYLVANIA AVENUE DEVELOPMENT [New]

Sec.
871. Congressional findings.
872. Pennsylvania Avenue Development Corporation; establishment; Board of Directors; term; Chairman; compensation; meetings; quorum; Advisory Board.
873. Board of Directors.
(a) Executive Director and other officers and employees.
(b) Procurement of services of experts.
(c) Administrative services.
874. Development plan; submittal to Secretary of Interior and District of Columbia Commissioner; public hearings; transmittal to Congress; substantial change; other government agencies, services.
875. Powers of Corporation.
876. Powers of other Federal and local agencies in the development area; certification of new construction, etc.
877. Corporation as grantee of property and party to proceedings; services of local redevelopment agency; displaced owners and tenants, preferential right.
878. Local needs, primary consideration; compliance with District laws, ordinances, etc.
879. Tax exemption; payments to District of Columbia government.
880. Report to President and Congress.
881. Civil service retirement and disability fund; contributions.
882. Assets and funds for conduct of business.
883. Violations and penalties.
884. Separability of provisions.
885. Authorization of appropriations; prohibition against appropriations from Land and Water Conservation Fund.

§ 871. Congressional findings.

The Congress finds and declares—

(a) that it is in the national interest that the area adjacent to Pennsylvania Avenue between the Capitol and the White House, most of which was designated on September 30, 1965, as a national historic site under the Historic Sites Act of August 21, 1935, be developed, maintained, and used in a manner suitable to its ceremonial, physical, and historic relationship to the legislative and executive branches of the Federal Government and to the governmental buildings, monuments, memorials, and parks in or adjacent to the area;

(b) that the area adjacent to Pennsylvania Avenue between the Capitol and the White House, because of its blighted character, imposes severe public, economic, and social liabilities upon the District of Columbia as the seat of the government of the United States, thereby impeding its sound growth and development and constituting a serious and growing threat to the public health, safety, morals, and welfare of its inhabitants;

(c) that to insure suitable development, maintenance, and use of the area and the elimination of blight, it is essential that there be developed and carried out as an entirety plans for this area which will specify the uses, both public and private, to which property is to be put, the programing and financing of necessary acquisitions, construction, reconstruction, and other activities;

(d) that such duties and responsibilities can best be developed and carried out by vesting the requisite powers in a Federal corporation which can take maximum advantage of the private as well as the public resources which will be necessary;

(e) that the powers conferred by this chapter are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest; and

(f) that the area thus to be developed, maintained, and used in accordance with the provisions of this chapter (hereinafter referred to as the development area) shall be the area bounded as follows:

Beginning at a point on the south west corner of the intersection of Fifteenth Street and E Street Northwest;

thence proceeding easterly along the southerly side of E Street to the southwest corner of the intersection of Thirteenth Street and Pennsylvania Avenue Northwest;

thence southeasterly along the southerly side of Pennsylvania Avenue to a point being the southeast corner of the intersection of Pennsylvania Avenue and Third Street Northwest;

thence northerly along the east side of Third Street to the northeast corner of the intersection of C Street and Third Street Northwest;

thence westerly along the north side of C Street to the northeast corner of the intersection of C Street and Sixth Street Northwest;

thence northerly along the east side of Sixth Street to the northeast corner of the intersection of E Street and Sixth Street Northwest;

thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Seventh Street Northwest;

thence northerly along the east side of Seventh Street to the northeast corner of the intersection of Seventh Street and F Street Northwest;

thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Ninth Street Northwest;

thence southerly along the west side of Ninth Street to the northwest corner of the intersection of Ninth Street and E Street Northwest;

thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Thirteenth Street Northwest;

thence northerly along the east side of Thirteenth Street to the northeast corner of the intersection of F Street and Thirteenth Street Northwest;

thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Fifteenth Street Northwest;

thence northerly along the west side of Fifteenth Street to the northwest corner of the intersection of Pennsylvania Avenue and Fifteenth Street Northwest;

thence westerly along the southern side of Pennsylvania Avenue to the southeast corner of the intersection of Pennsylvania Avenue and East Executive Avenue Northwest;

thence southerly along the east side of East Executive Avenue to the intersection of South Executive Place and E Street Northwest;

thence easterly along the south side of E Streeet to the point of beginning being the southwest corner of the intersection of Fifteenth Street and E Street Northwest.

(Pub. L. 92–578, § 2, Oct. 27, 1972, 86 Stat. 1266.)

REFERENCES IN TEXT

Historic Sites Act of August 21, 1935, referred to in subsec. (a), is classified to section 461 et seq. of Title 16, Conservation.

SHORT TITLE

Section 1 of Pub. L. 92–578 provided: "That this Act [which enacted this chapter and amended section 846 of Title 31] may be cited as the 'Pennsylvania Avenue Development Corporation Act of 1972'."

§ 872. Pennsylvania Avenue Development Corporation; establishment; Board of Directors; term; Chairman; compensation; meetings; quorum; Advisory Board.

(a) There is hereby created a body corporate to be known as the Pennsylvania Avenue Development Corporation (hereinafter referred to as the "Corporation").

(b) The Corporation shall be dissolved upon completion, as determined by the Board of Directors, of its implementation of the development plan provided for in section 874 of this title. Upon dissolution, assets remaining after all the obligations and indebtedness of the Corporation has been fulfilled and paid or satisfied shall be the assets of the United States.

(c) The powers and management of the Corporation shall be vested in a Board of Directors consisting of fifteen members, as follows:

(1) The Secretary of the Interior;

(2) The Secretary of the Treasury;

(3) The Secretary of Housing and Urban Development;

(4) The Secretary of Transportation;

(5) The Administrator of General Services;

(6) The Commissioner of the District of Columbia;

(7) The Chairman, District of Columbia Council; and

(8) Eight, at least four of whom shall be residents and who are registered voters of the District of Columbia, appointed by the President from private life, who shall have knowledge and experience in one or more fields of history, architecture, city planning, retailing, real estate, construction, or government.

(d) Each member of the Board of Directors specified in paragraphs (1) through (7) of subsection (c) of this section may designate another official to serve on the Board in his stead if unable to serve in person.

(e) Each member of the Board of Directors appointed under paragraph (8) of subsection (c) of this section shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any Director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the Directors first taking office shall begin on October 27, 1972, and shall expire as designated at the time of appointment, two at the end of two years, two at the end of four years, and four at the end of six years. A Director may continue to serve until his successor has qualified.

(f) The President shall designate a Chairman and a Vice Chairman from among the members of the Board of Directors, chosen from private life.

(g) The Chairman, upon his appointment, shall invite to serve on the Board of Directors as nonvoting members the following:

(1) The Chairman of the Commission of Fine Arts;

(2) The Chairman of the National Capital Planning Commission;

(3) The Secretary of the Smithsonian Institution;

(4) The Director of the National Gallery of Art;

(5) The Architect of the Capitol;

(6) The Archivist of the United States;

(7) The Chairman of the District of Columbia, Commission on the Arts; and

(8) The Chairman of the District of Columbia Redevelopment Land Agency.

(h) Members of the Board of Directors who are officers or employees of the Federal or District of Columbia government shall receive no additional compensation by virtue of their membership on the Board. Other members of the Board, when engaged in the activities of the Corporation, shall be entitled to receive compensation at the daily equivalent of the rate for GS–18 of the General Schedule, and travel expenses, including per diem in lieu of subsistence, as authorized by law (sections 5703(b)–(d) and 5707 of Title 5) for persons in the Government service employed intermittently.

(i) The Board of Directors shall meet at the call of the Chairman, who shall require it to meet not less often than once each three months. A majority of the voting members of the Board of Directors (or

their designated alternates) shall constitute a quorum.

(j) There shall be established a nonvoting Advisory Board of seven members appointed by the Chairman from among tenants and owners of real property within the development area. The Advisory Board shall meet at least twice annually with the Board of Directors, and shall otherwise offer such advice and assistance as may be of benefit to the Board of Directors during preparation of the development plan. (Pub. L. 92–578, § 3, Oct. 27, 1972, 86 Stat. 1267.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (h), is set out under section 5332 of Title 5, Government Organization and Employees.

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

§ 873. Board of Directors.

(a) Executive Director and other officers and employees.

The Board of Directors shall have the power to appoint and fix the compensation and duties of the Executive Director and such other officers and employees of the Corporation as may be necessary for the efficient administration of the Corporation; the Executive Director and two other officers of the Corporation may be appointed and compensated without regard to the provisions of Title 5 governing appointments in the competitive service and chapter 51 and subchapter 53 of Title 5.[1]

(b) Procurement of services of experts.

The Board of Directors is authorized to procure the temporary (not in excess of one year) or intermittent services of city planners, architects, engineers, appraisers, and other experts or consultants or organizations thereof in accordance with section 3109 of Title 5, but at rates for individuals not in excess of the rate in effect for grade GS–18 of the General Schedule.

(c) Administrative services.

Administrative services shall be provided by the General Services Administration on a reimbursable basis. (Pub. L. 92–578, § 4, Oct. 27, 1972, 86 Stat. 1268, amended Pub. L. 93–427, § 1, Oct. 1, 1974, 88 Stat. 1170.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out in section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–427 added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 93–427 redesignated former subsec. (b) as (c).

[1] So in original. Probably should be "subchapter III of chapter 53 of Title 5".

§ 874. Development plan; submittal to Secretary of Interior and District of Columbia Commissioner; public hearings; transmittal to Congress; substantial change; other government agencies, services.

(a) The development plan for the development area shall include, but not be limited to: (1) the types of uses, both public and private, to be permitted; (2) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (3) an estimate of the current values of all properties to be acquired; (4) an estimate of the relocation costs which would be incurred in carrying out the provisions of section 877 of this title; (5) an estimate of the cost of land preparation for all properties to be acquired; (6) an estimate of the reuse values of the properties to be acquired; (7) a program for the staging of a proposed development, including a detailed description of the portion of the program to be scheduled for completion by 1976; (8) a determination of the marketability of such development; (9) an estimate of the development costs, both public and private; (10) a thorough study of the economic impact of such development, including the impact on the local tax base, the metropolitan area as whole, and the existing business activities within the development area; and (11) the procedures (including both interim and long-term arrangements) to be used in carrying out and insuring continuing conformance to the development plan.

(b) The development plan provided for in subsection (a) of this section shall be prepared with the Cooperation of the Department of the Interior, the General Services Administration, and the District of Columbia government with the maximum feasible use of their staffs and other resources on a reimbursable basis by the Corporation.

(c) After the development plan has been completed and approved by the Board of Directors of the Corporation, it shall be submitted to the Secretary of the Interior and the Commissioner of the District of Columbia. The Secretary of the Interior, within ninety days, shall notify the Corporation of his approval or recommended modifications from the standpoint of the compatibility of the plan with his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site. The Commissioner of the District of Columbia, within ninety days, shall consult with the National Capital Planning Commission, shall hold public hearings on the plan, and shall notify the Corporation of his approval or recommended modifications: *Provided*, That in the event that the Secretary of the Interior or the Commissioner of the District of Columbia has not notified the Corporation of his approval or recommended modifications of the plan within ninety days after the date of submission, he shall be deemed to have approved the plan.

(d) In the event the Secretary of the Interior or the Commissioner of the District of Columbia has recommended modifications of the plan, the Corporation within one hundred and twenty days of the original submission of the plan shall consult with them regarding such modifications and shall prepare a development plan which shall be transmitted to

the President of the Senate and the Speaker of the House of Representatives.

If the Secretary of the Interior or the Commissioner of the District of Columbia has not approved the development plan, the transmittal shall include a specification of the areas of difference, the modifications suggested by the Secretary of the Interior or the Commissioner of the District of Columbia and the views of the Corporation thereon. Following the expiration of sixty legislative days after the date of such transmittal, the Corporation may proceed with the execution and implementation of the plan unless between the date of transmittal and the end of the sixty legislative day period, either the Senate or the House of Representatives passes a resolution in opposition to the development plan.

(e) Activities under the development plan shall be carried out in accordance with the approved development plan. The Corporation may alter, revise, or amend the plan, but any such alteration, revision, or amendment which is a substantial change from the approved development plan shall take effect only upon compliance with the procedures set fo-th in subsections (c) and (d) of this section. For the purposes of this subsection, the term "substantial change" shall mean one involving a major alteration in the character or intensity of an existing or proposed use in the development area which in the opinion of the Corporation causes an increase or decrease of 10 per centum or more of the dollar amount of the estimate prepared in accordance with subsection (a)(9) of this section, or one which, in the opinion of the Secretary of the Interior, affects his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site.

(f) To avoid duplication and unnecessary expense the Corporation shall, to the maximum feasible extent in conducting its operations, utilize the services and facilities of other agencies, including the Department of the Interior, General Services Administration, the National Capital Planning Commission, the District of Columbia government, and the District of Columbia Redevelopment Land Agency. (Pub. L. 92–578, § 5, Oct. 27, 1972, 86 Stat. 1269.)

SUCCESSION IN GOVERNMENT

The District of Columbia Council and the office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, were abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–131 of the District of Columbia Code, and replaced by the Council of the District of Columbia and the office of Mayor of the District of Columbia, respectively, as provided by Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789, classified to sections 1–141 and 1–161 of the District of Columbia Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 872, 875, 876, 885 of this title.

§ 875. Powers of Corporation.

In carrying out its powers and duties, the Corporation—

(1) shall have all necessary and proper powers for the exercise of the authorities vested in it;

(2) shall have succession in its corporate name;

(3) may adopt and use a corporate seal which shall be judicially noticed;

(4) may sue and be sued in its corporate name. All litigation arising out of the activities of the Corporation shall be conducted by the Attorney General;

(5) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(6) may acquire lands, improvements, and properties within the development area by purchase, lease, donation, or exchange; may hold, maintain, use, or operate such properties; may sell, lease, or otherwise dispose of such real and personal property and any interest therein as the Corporation deems necessary to carry out the development plan; or may lease, repurchase, or otherwise acquire and hold any property which the Corporation has theretofore sold, leased, conveyed, transferred, or otherwise disposed of: *Provided,* That condemnation proceedings for the acquisition of real property (including interests therein), which may be necessary or appropriate in order to carry out the development plan, shall be conducted in accordance with the procedural provisions of chapter 13, subchapter IV, of title 16 of the District of Columbia Code: *Provided further,* That prior to acquiring any residential property there shall be a finding of assurance of adequate replacement housing consonant with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(7) may enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation (including agreements with private utility companies with respect to the relocation of utility lines and other facilities in the development area) as may be deemed necessary or appropriate to the conduct of activities authorized under this chapter;

(8) may establish (through covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure development, maintenance, and protection of the development area in accordance with the development plan;

(9) shall seek authority from the Congress to borrow money by issuing marketable obligations, after obtaining proposals from at least three private financial analysts on the feasibility of private versus public financing of the Corporation, which proposals shall be transmitted to the Congress with the development plan as provided in section 874 of this title.

(10) may borrow money from the Treasury of the United States in such amounts as may be authorized in appropriation Acts, but not to exceed $50,000,000. Such borrowings from the Treasury shall have such maturities, terms, and conditions as may be agreed upon by the Corporation and the Secretary of the Treasury, but the maturities may not be in excess of forty years, and

such borrowings may be redeemable at the option of the Corporation before maturity. Such borrowings shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations of the Corporation. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Said obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Corporation to issue obligations hereunder shall expire June 3, 1980, except that obligations may be issued at any time after the expiration of said period to provide funds necessary for the performance of any contract entered into by the Corporation, prior to the expiration of said period. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued under this paragraph and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Loan Bond Act, as amended, are extended to include any purchase of the Corporation's obligations under this paragraph;

(11) may invest any funds held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, with the approval of the Secretary of the Treasury, in obligations of the United States Government, or obligations the principal and interest of which are guaranteed by the United States Government: *Provided,* That this authority shall not extend to moneys obtained by borrowing from the Government or through appropriations to the Corporation;

(12) may procure insurance against any loss in connection with its property and other assets and operations;

(13) may contract for and accept any gifts or grants or property or financial or other aid in any form from the Federal Government or any agency or instrumentality thereof, or from any State or any agency or instrumentality thereof, or from any source, and comply subject to the provisions of this chapter, with the terms and conditions thereof;

(14) may determine the character of and necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions and laws specifically applicable to wholly owned Government corporations;

(15) may prepare or cause to be prepared plans, specifications, designs, and estimates of cost for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project, and from time to time may modify such plans, specifications, designs, or estimates;

(16) may acquire, construct, reconstruct, rehabilitate, improve, alter, or repair or provide for the construction, reconstruction, improvement, alteration, or repair of any project;

(17) may grant options to purchase any project or may renew any leases entered into by it in connection with any of its projects, on such terms and conditions as it may deem advisable;

(18) may manage any project, owned or leased by the Corporation, and may enter into agreements with the District of Columbia government or any agency or instrumentality thereof, or with any person, firm, partnership, or corporation, either public or private, for the purpose of causing any such project to be managed;

(19) may utilize or employ the services of personnel of any agency or instrumentality of the Federal Government or of the District of Columbia, with the consent of the agency or instrumentality concerned, upon a reimbursable basis, or utilize voluntary or uncompensated personnel;

(20) shall publish and disseminate information and make known to potential users, by advertisement, solicitation, or other means, the availability for development of lands in the development area;

(21) may execute all instruments necessary or appropriate in the exercise of any of its functions under this chapter, and may delegate to members of the Board or the Executive Director such of its powers and responsibilities as it deems appropriate and useful for the administration of the Corporation; and

(22) shall be entitled to the use of the United States mails in the same manner as the executive departments of the Government, and shall have all the rights, privileges, and immunities of the United States with respect to debts due from insolvent, deceased, or bankrupt debtors.

(Pub. L. 92–578, § 6, Oct. 27, 1972, 86 Stat. 1270.)

REFERENCES IN TEXT

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subd. (6), is classified to chapter 61 of Title 42, The Public Health and Welfare. See Short Title note under section 4601 of Title 42.

The Second Liberty Bond Act, as amended, referred to in subd. (10), is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended, which is classified to section 745, former section 747, sections 752, 752a, 753, 754, 754a, 754b, 757, 757b, and 757c, former section 757c–1, sections 757c–2, 757c–3, 757c–4, 757d, 757e, 758, 760, and 764, former section 765, and sections 766, 769, 771, 773, 774, and 801 of Title 31, Money and Finance.

§ 876. Powers of other Federal and local agencies in the development area; certification of new construction, etc.

(a) Nothing in this chapter shall preclude other agencies or instrumentalities of the Federal Government or of the District of Columbia from exercising any lawful powers in the development area consistent with the development plan or the provisions and purposes of this chapter; but no such agency or instrumentality shall release, modify, or depart from any feature or detail of the development plan without the prior approval of the Corporation.

(b) After October 1, 1974, no new construction (including substantial remodeling, conversion, rebuilding, enlargement, extension, or major structural improvement of existing building, but not including ordinary maintenance or remodeling or changes necessary to continue occupancy) shall be authorized or conducted within the development area except upon prior certification by the Corporation that the construction is, or may reasonably be expected to be, consistent with the carrying out of the development plan for the area: *Provided,* That if the development plan for the area does not become effective under the provisions of section 874 of this title by June 30, 1975, this subsection shall be of no further force and effect until such time as the development plan does become effective under that section. (Pub. L. 92–578, § 7, Oct. 27, 1972, 86 Stat. 1272, amended Pub. L. 93–427, § 2, Oct. 1, 1974, 88 Stat. 1170.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–427 substituted "the date of the enactment of the Act of October 27, 1972 (86 Stat. 1266)" for "the date of the enactment of this Act", which for purposes of codification constituted the substitution of "October 1, 1974" for "October 27, 1972", and "by June 30, 1975" for "within twelve months of the date of enactment of this Act", which, for purposes of codification, had been translated as "within twelve months of October 27, 1972".

§ 877. Corporation as grantee of property and party to proceedings; services of local redevelopment agency; displaced owners and tenants, preferential right.

(a) The title to any real property (or interest therein) acquired under the authority of this chapter shall be taken by and in the name of the Corporation and proceedings for condemnation or other acquisition of property shall be brought by and in the name of the Corporation.

(b) In the administration of a relocation program or programs pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Corporation may utilize the services of the District of Columbia Redevelopment Land Agency. Costs of such services shall be reimbursed by the Corporation to the District of Columbia Redevelopment Land Agency.

(c) All relocation services performed by or on behalf of the Corporation shall be coordinated with the District of Columbia's central relocation programs.

(d) Owners and tenants of real property whose residence, or retail, wholesale, service or other business is terminated as a result of acquisitions made pursuant to this chapter shall be granted a preferential right to lease or purchase from the Corporation or its agent such like real property as may become available for a similar use upon implementation of the development plan. Any such preferential right shall be limited to the parties in interest and shall not be transferable or assignable. (Pub. L. 92–578, § 8, Oct. 27, 1972, 86 Stat. 1273.)

REFERENCES IN TEXT

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (b), is classified to chapter 61 of Title 42, The Public Health and Welfare. See Short Title note under section 4601 of Title 42.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 874 of this title.

§ 878. Local needs, primary consideration; compliance with District laws, ordinances, etc.

(a) In effectuating the purposes of this chapter, the Corporation:

(1) shall consult and cooperate with District of Columbia officials and community leaders at the earliest practicable time;

(2) shall give primary consideration to local needs and desires and to local and regional goals and policies as expressed in urban renewal, community renewal, and comprehensive land use plans and regional plans; and

(3) shall foster local initiative and participation in connection with the planning and development of its projects.

(b) The Corporation shall comply with all District of Columbia laws, ordinances, codes, and regulations in constructing, reconstructing, rehabilitating, altering, and improving any project: *Provided,* That the provisions of section 428 of title 5 of the District of Columbia Code shall apply to all the constructing, reconstructing, rehabilitating, altering, and improving of all buildings by the Corporation. The construction, reconstruction, rehabilitation, alteration, and improvement of any project by non-Government sources shall be subject to the provisions of the District of Columbia Code and zoning regulations. (Pub. L. 92–578, § 9, Oct. 27, 1972, 86 Stat. 1273.)

§ 879. Tax exemption; payments to District of Columbia government.

(a) Since the exercise of the powers granted by this chapter will be in all respects for the benefit of the people, the Corporation is hereby declared to be devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of every kind of the United States and of the District of Columbia.

(b) To the end that the District of Columbia may not suffer undue loss of tax revenue by reason of the provisions of subsection (a) of this section, the Corporation, in connection with any real property acquired and owned by the Corporation in carrying out the provisions of this chapter shall pay to the District of Columbia government an amount equal to the amount of the real property tax which would have been payable to the District of Columbia government beginning on the date of acquisition of such real property by the Corporation if legal title to such property had been held by a private citizen on such date and during all periods to which such date relates. (Pub. L. 92–578, § 10, Oct. 27, 1972, 86 Stat. 1273.)

§ 880. Report to President and Congress.

The Corporation shall transmit to the President and the Congress, annually each January and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this chapter. (Pub. L. 92–578, § 11, Oct. 27, 1972, 86 Stat. 1274.)

§ 881. Civil service retirement and disability fund; contributions.

(a) The Corporation shall contribute to the civil service retirement and disability fund, on the basis of annual billings as determined by the Civil Service

Commission for the excess, if any, of the Government's share of the normal cost of the civil service retirement system applicable to the Corporation's employees and their beneficiaries over the agency contributions required by section 8334(a)(1) of Title 5.

(b) The Corporation shall include in the annual billings provided for under subsection (a) of this section, a statement of the fair portion of the cost of the administration of the fund, which shall be paid by the Corporation into the Treasury as miscellaneous receipts. (Pub. L. 92–578, § 12, Oct. 27, 1972, 86 Stat. 1274.)

§ 882. Assets and funds for conduct of business.

The Corporation is authorized to use in the conduct of its business all its funds and other assets and all funds and other assets which have been or may hereafter be transferred to, allocated to, borrowed by, or otherwise acquired by it. (Pub. L. 92–578, § 13, Oct. 27, 1972, 86 Stat. 1274.)

§ 883. Violations and penalties.

(a) All general penal statutes relating to the larceny, embezzlement, or conversion of public moneys or property of the United States shall apply to moneys and property of the Corporation.

(b) Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States, (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Any person who with intent to defraud the Corporation (1) receives any compensation, rebate, or reward, or (2) enters into any conspiracy, collusion, or agreement, express or implied, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both. (Pub. L. 92–578, § 14, Oct. 27, 1972, 86 Stat. 1274.)

§ 884. Separability of provisions.

If any provisions of this chapter or the application thereof to any body, agency, situation, or circumstances is held invalid the remainder of the chapter and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby. (Pub. L. 92–578, § 16, Oct. 27, 1972, 86 Stat. 1274.)

§ 885. Authorization of appropriations; prohibition against appropriations from Land and Water Conservation Fund.

There are hereby authorized to be appropriated not to exceed $1,750,000 for the operating and administrative expenses of the Corporation and for the development of the plan to be prepared pursuant to section 874 of this title. No appropriations shall be made from the Land and Water Conservation Fund established by section 460*l*–5 of Title 16 to effectuate the purposes of this chapter. (Pub. L. 92–578, § 17, Oct. 27, 1972, 86 Stat. 1275, amended Pub. L. 93–427, § 3, Oct. 1, 1974, 88 Stat. 1170.)

AMENDMENTS

1974—Pub. L. 93–427 substituted "$1,750,000 for the operating and administrative expenses of the Corporation and" for "$1,000,000".

TITLE 40.—APPENDIX

The legislation in this Appendix is temporary and will terminate on October 1, 1979, pursuant to the provisions of section 405 of this Appendix

Appalachian Regional Development Act of 1965

Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended by Pub. L. 89–670, § 8(b), (c), Oct. 15, 1966, 80 Stat. 942, 943; Pub. L. 90–103, title I, §§ 101—114, 116—123, Oct. 11, 1967, 81 Stat. 257—266; Pub. L. 90–448, title II, § 201(f), Aug. 1, 1968, 82 Stat. 502; Pub. L. 91–123, title I, §§ 101–111, Nov. 25, 1969, 83 Stat. 214–216; Pub. L. 91–258, title I, § 52(b)(5), May 21, 1970, 84 Stat. 235; Pub. L. 92–65, title II, §§ 202—214, Aug. 5, 1971, 85 Stat. 168–173; Pub. L. 94–188, title I, §§ 102–122(a), Dec. 31, 1975, 89 Stat. 1079–1086.

TITLE II.—SPECIAL APPALACHIAN PROGRAMS

PART C.—GENERAL PROVISIONS

Sec.
225. Appalachian state development planning process [New].

ACT REFERRED TO IN OTHER SECTIONS

This Act is referred to in title 23 section 143; title 33 section 1257; title 42 sections 3171, 3232, 5153.

§ 1. Short title.

SHORT TITLE OF 1975 AMENDMENT

Section 101 of Pub. L. 94–188, title I, Dec. 31, 1975, 89 Stat. 1079, provided that: "This title [which enacted sections 225 and 303 of this Appendix, amended sections 2, 101, 102, 105 to 107, 201, 202, 205, 207, 211, 214, 223, 224, 302, 401, and 405 of this Appendix, repealed section 3134 of Title 42, and enacted provisions set out as notes under sections 2 and 201 of this Appendix] may be cited as the 'Appalachian Regional Development Act Amendments of 1975'."

§ 2. Findings and statement of purpose.

(a) The Congress hereby finds and declares that the Appalachian region of the United States, while abundant in natural resources and rich in potential, lags behind the rest of the Nation in its economic growth and that its people have not shared properly in the Nation's prosperity. The region's uneven past development, with its historical reliance on a few basic industries and a marginal agriculture, has failed to provide the economic base that is a vital prerequisite for vigorous, self-sustaining growth. The State and local governments and the people of the region understand their problems and have been working and will continue to work purposefully toward their solution. The Congress recognizes the comprehensive report of the President's Appalachian Regional Commission documenting these findings and concludes that regionwide development is feasible, desirable, and urgently needed. It is, therefore, the purpose of this Act to assist the region in meeting its special problems, to promote its economic development, and to establish a framework for joint Federal and State efforts toward providing the basic facilities essential to its growth and attacking its common problems and meeting its common needs on a coordinated and concerted regional basis. The public investments made in the region under this Act shall be concentrated in areas where there is a significant potential for future growth, and where the expected return on public dollars invested will be the greatest. The States will be responsible for recommending local and State projects, within their borders, which will receive assistance under this Act. As the region obtains the needed physical and transportation facilities and develops its human resources, the Congress expects that the region will generate a diversified industry, and that the region will then be able to support itself, through the workings of a strengthened free enterprise economy.

(b) The Congress further finds and declares that while substantial progress has been made toward achieving the foregoing purposes, especially with respect to the provision of essential public facilities, much remains to be accomplished, especially with respect to the provision of essential health, education, and other public services. The Congress recognizes that changes and evolving national purposes in the decade since 1965 affect not only the Appalachian region, but also its relationship to a nation now assigning higher priority to conservation and the quality of life, values long cherished within the region. Appalachia now has the opportunity, in accommodating future growth and development, to demonstrate local leadership and coordinated planning so that housing, public services, transportation and other community facilities will be provided in a way congenial to the traditions and beauty of the region and compatible with conservation values and an enhanced quality of life for the people of the region. The Congress recognizes also that fundamental changes are occurring in national energy requirements and production, which not only risk short-term dislocations but will undoubtedly result in major long-term effects in the region. It is essential that the opportunities for expanded energy production be used so as to maximize the social and economic benefits and minimize social and environmental costs to the region and its people. It is, therefore, also the purpose of this Act to provide a framework for coordinating Federal, State and local efforts toward (1) anticipating the effects of alternative energy policies and practices, (2) planning for accompanying growth and change so as to maximize the social and economic benefits and minimize social and environmental costs, and (3) implementing programs and projects carried out in the region by Federal, State, and local governmental agencies so as to better meet the special problems generated in

the region by the Nation's energy needs and policies, including problems of transportation, housing, community facilities, and human services. (As amended Pub. L. 94–188, title I, § 102, Dec. 31, 1975, 89 Stat. 1079.)

AMENDMENTS

1975—Pub. L. 94–188 designated existing provisions as subsec. (a), and added subsec. (b).

REPORT TO CONGRESS ON PROGRESS MADE IN THE IMPLEMENTATION OF THE REGIONAL DEVELOPMENT ACT OF 1975

Section 122(b) of Pub. L. 94–188 provided that: "The Appalachian Regional Commission shall submit to Congress by July 1, 1977, a report on the progress being made on implementing section 2(b) of the Appalachian Regional Development Act of 1965 [subsec. (b) of this section] the energy related enterprise development demonstration authority in section 302 of such Act [section 302 of this Appendix], and other amendments made by this title [see section 101 of Pub. L. 94–188, set out as Short Title note under section 1 of this Appendix]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 302 of this Appendix.

TITLE I.—THE APPALACHIAN REGIONAL COMMISSION

§ 101. Membership and voting.

(a) There is hereby established an Appalachian Regional Commission (hereinafter referred to as the "Commission") which shall be composed of one Federal member, hereinafter referred to as the "Federal Cochairman", appointed by the President by and with the advice and consent of the Senate, and one member from each participating State in the Appalachian region. The Federal Cochairman shall be one of the two Cochairmen of the Commission. Each State member shall be the Governor. The State members of the Commission shall elect a Cochairman of the Commission from among their number for a term of not less than one year.

(b) Except as provided in section 105, decisions by the Commission shall require the affirmative vote of the Federal Cochairman and of a majority of the State members (exclusive of members representing States delinquent under section 105). In matters coming before the Commission, the Federal Cochairman shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter. No decision involving Commission policy, approval of State, regional or subregional development plans or implementing investment programs, any modification or revision of the Appalachian Regional Commission Code, or any allocation of funds among the States may be made without a quorum of State members present. The approval of project and grant proposals shall be a responsibility of the Commission and exercised in accordance with section 303 of this Act.

(c) Each State member may have a single alternate, appointed by the Governor from among the members of the Governor's cabinet or the Governor's personal staff. The President, by and with the advice and consent of the Senate, shall appoint an alternate for the Federal Cochairman. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the State or Federal representative for which he is an alternate. A State alternate shall not be counted toward the establishment of a quorum of the Commission in any instance in which a quorum of the State members is required to be present. No Commission powers or responsibilities specified in the last two sentences of subsection (b) of this section, nor the vote of any Commission member, may be delegated to any person not a Commission member or who is not entitled to vote in Commission meetings.

(d) The Federal Cochairman shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of Title 5. His alternate shall be compensated by the Federal Government at level V of such Executive Schedule, and when not actively serving as an alternate for the Federal Cochairman, shall perform such functions and duties as are delegated to him by the Federal Cochairman. Each State member and his alternate shall be compensated by the State which they represent at the rate established by law of such State. (As amended Pub. L. 94–188, title I, §§ 103, 104, Dec. 31, 1975, 89 Stat. 1079, 1080.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–188, § 103(1), (2), substituted provision that each state member shall be the Governor for provision that each state member may be the Governor, or his designee, or such other person as may be provided by the law of the state which he represents, and added provision that the term of the Cochairman shall be for not less than a year.

Subsec. (b). Pub. L. 94–188, § 103(3), added provisions requiring quorum of State members for Commission policy, approval of State, regional, or subregional development plans or implementing investment programs, modification or revision of the Appalachian Regional Commission Code, or allocation of funds among the States, and that the approval of the project and grant proposals shall be the responsibility of the Commission to be exercised in accordance with section 303 of this Act.

Subsec. (c). Pub. L. 94–188, § 103(4), (5), substituted provisions that each State member may have a single alternate, appointed by the Governor from among the members of the Governor's cabinet or the Governor's personal staff for provisions that each State member shall have an alternate, appointed by the Governor or as otherwise may be provided by the law of the State which he represents, and added provisions that State alternate shall not be counted toward the establishment of a quorum of the Commission in any instance in which a quorm of the State members is required to be present and that no Commission powers or responsibilities specified in the last two sentences of subsec. (b) of this section nor the vote of any Commission member may be delegated to any person not a Commission member or who is not entitled to vote in the Commission meetings.

Subsec. (d). Pub. L. 94–188, § 104, in provisions relating to compensation of Federal Cochairman and his alternate, substituted references to level III of the Executive Schedule in subchapter II of chapter 530 of Title 5 and level V of such Executive Schedule for references to level IV of the Federal Executive Salary Schedule of the Federal Executive Salary Act of 1964 and grade GS–18 of the Classification Act of 1949, as amended, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 106, 303 of this Appendix; title 42 section 3246c.

§ 102. Functions of the Commission.

(a) In carrying out the purposes of this Act, the Commission shall—

(1) develop, on a continuing basis, comprehensive and coordinated plans and programs and

establish priorities thereunder, giving due consideration to other Federal, State, and local planning in the region;

(2) conduct and sponsor investigations, research, and studies, including an inventory and analysis of the resources of the region, and, in cooperation with Federal, State, and local agencies, sponsor demonstration projects designed to foster regional productivity and growth;

(3) review and study, in cooperation with the agency involved, Federal, State, and local public and private programs and, where appropriate, recommend modifications or additions which will increase their effectiveness in the region;

(4) formulate and recommend, where appropriate, interstate compacts and other forms of interstate cooperation, and work with State and local agencies in developing appropriate model legislation;

(5) encourage the formation of local development districts;

(6) encourage private investment in industrial, commercial, and recreational projects;

(7) serve as a focal point and coordinating unit for Appalachian programs; and

(8) provide a forum for consideration of problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences.

(b) In carrying out its functions under this section, the Commission shall identify the characteristics of, and may distinguish between the needs and goals of appropriate subregional areas, including central, northern, and southern Appalachia. (As amended Pub. L. 94–188, title I, § 105, Dec. 31, 1975, 89 Stat. 1080.)

AMENDMENTS

1975—Pub. L. 94–188 designated existing provisions as subsec. (a), and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 104 of this Appendix.

§ 105. Administrative expenses of the Commission.

* * * * *

(b) To carry out this section there is hereby authorized to be appropriated to the Commission to be available until expended, not to exceed $1,900,000 for the two-fiscal-year period ending June 30, 1971. To carry out this section there is hereby authorized to be appropriated to the Commission, to be available until expended, not to exceed $2,700,000 for the two-fiscal-year period ending June 30, 1973 (of such amount not to exceed $525,000 shall be available for expenses of the Federal Cochairman, his alternate, and his staff), and not to exceed $3,300,000 for the two-fiscal-year period ending June 30, 1975 (of such amount not to exceed $575,000 shall be available for expenses of the Federal Cochairman, his alternate, and his staff. To carry out this section there is hereby authorized to be appropriated to the Commission, to be available until expended, not to exceed $4,600,000 for the period beginning July 1, 1975, and ending September 30, 1977 (of such amount not to exceed $800,000 shall be available for expenses of the Federal cochairman, his alternate and his staff), and not to exceed $5,000,000 for the two-fiscal-year period ending September 30, 1979 (of such amount not to exceed $900,000 shall be available for expenses of the Federal cochairman, his alternate and his staff). As amended Pub. L. 92–65, title II, § 202, Aug. 5, 1971, 85 Stat. 168; Pub. L. 94–188, title I, § 106, Dec. 31, 1975, 89 Stat. 1080.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 94–188 added authorization of appropriations for the period beginning July 1, 1975 and ending September 30, 1977, and for the two-fiscal-year period ending Sept. 30, 1979.

1971—Subsec. (b). Pub. L. 92–65 substituted provisions authorizing the appropriation of $2,700,000 for the two-fiscal-year period ending June 30, 1973, of which up to $525,000 is to be available for expenses of the Federal Cochairman and his staff, and of $3,300,000 for the two-fiscal-year period ending June 30, 1975. of which up to $575,000 is to be available for expenses of the Federal Cochairman and his staff, for provisions authorizing amount up to $475,000 to be available for the expenses of the Federal Cochairman and his staff.

SHORT TITLE OF 1971 AMENDMENT

Section 201 of Pub. L. 92–65 provided that: "This title [which enacted section 208 of this Appendix, amended this section and sections 106, 201, 202, 205, 207, 211, 214, 302, 401 and 405 of this Appendix, and enacted provision set out as note under section 223 of this Appendix] may be cited as the 'Appalachian Regional Development Act Amendments of 1971'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 401 of this Appendix.

§ 106. Administrative powers of Commission.

To carry out its duties under this Act, the Commission is authorized to—

* * * * *

(2) appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Commission to carry out its functions, except that such compensation shall not exceed the salary of the alternate to the Federal Cochairman on the Commission as provided in section 101. The executive director shall be responsible for carrying out the administrative functions of the Commission, for direction of the Commission staff, and for such other duties as the Commission may assign. No member, alternate, officer, or employee of the Commission, other than the Federal Cochairman on the Commission, his staff, and his alternate and Federal employees detailed to the Commission under paragraph (3) shall be deemed a Federal employee for any purpose.

* * * * *

(7) enter into and perform such contracts, leases (including, notwithstanding any other provision of law, the lease of office space for any term expiring no later than September 30, 1979), cooperative agreements, or other transactions as may be necessary in carrying out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States (which is hereby so authorized to the extent not otherwise prohibited by law) or

with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation.

* * * * *

(As amended Pub. L. 92–65, title II, § 203, Aug. 5, 1971, 85 Stat. 168; Pub. L. 94–188, title I, §§ 107, 108, Dec. 31, 1975, 89 Stat. 1080, 1081.)

AMENDMENTS

1975—Cl. (2). Pub. L. 94–188, § 108, added provisions that the executive director shall be responsible for carrying out the administrative functions of the Commission, for direction of the Commission staff, and for such other duties as the Commission may assign.

Cl. (7). Pub. L. 94–188, § 107, substituted "September 30, 1979" for "June 30, 1975".

1971—Clause (7). Pub. L. 92–65 substituted "June 30, 1975" for "June 30, 1971".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 108 of this Appendix; title 5 section 5334.

§ 107. Information.

(a) In order to obtain information needed to carry out its duties, the Commission shall—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable, a Cochairman of the Commission, or any member of the Commission designated by the Commission for the purpose, being hereby authorized to administer oaths when it is determined by the Commission that testimony shall be taken or evidence received under oath;

(2) arrange for the head of any Federal, State, or local department or agency (who is hereby so authorized to the extent not otherwise prohibited by law) to furnish to the Commission such information as may be available to or procurable by such department or agency; and

(3) keep accurate and complete records of its doings and transactions which shall be made available for public inspection, and for the purpose of audit and examination by the Comptroller General or his duly authorized representatives.

(b) Public participation in the development, revision, and implementation of all plans and programs under this Act by the Commission, any State or any local development district shall be provided for, encouraged, and assisted. The Commission shall develop and publish regulations specifying minimum guidelines for such public participation, including public hearings. (As amended Pub. L. 94–188, title I, § 109, Dec. 31, 1975, 89 Stat. 1081.)

AMENDMENTS

1975—Pub. L. 94–188 designated existing provisions as subsec. (a) and added subsec. (b).

TITLE II.—SPECIAL APPALACHIAN PROGRAMS

PART A.—NEW PROGRAMS

§ 201. Appalachian development highway system.

(a) In order to provide a highway system which, in conjunction with the Interstate System and other Federal-aid highways in the Appalachian region, will open up an area or areas with a developmental potential where commerce and communication have been inhibited by lack of adequate access, the Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to assist in the construction of an Appalachian development highway system and local access roads serving the Appalachian region. The provisions of sections 106(a) and 118 of title 23, United States Code, relating to the obligation, period of availability, and expenditure of Federal-aid highway funds, shall apply to the development highway system and the local access roads, and all other provisions of such title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways and which the Secretary determines are not inconsistent with this Act shall apply, respectively, to such system and roads. Construction on the development highway system shall not exceed two thousand nine hundred miles. Contruction of local access roads shall not exceed one thousand four hundred miles that will serve specific recreational, residential, educational, commercial, industrial, or other like facilities or will facilitate a school consolidation program.

* * * * *

(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 30, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; $250,000,000 for fiscal year 1978; $300,000,000 for fiscal year 1979; $300,000,000 for fiscal year 1980; and $170,000,000 for fiscal year 1981.

* * * * *

(As amended Pub. L. 92–65, title II, § 204, Aug. 5, 1971, 85 Stat. 168; Pub. L. 94–188, title I, § 110, Dec. 31, 1975, 89 Stat. 1081.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–188, § 110(1), increased the limit on the construction of highway system to 2900 miles from 2700 miles and decreased the limit on the construction of local access roads from 1600 miles 1400 miles.

Subsec. (g). Pub. L. 94–188, § 110(2), increased the authorization of appropriation for fiscal year 1978, from $180,000,000 to $250,000,000, and added authorization of appropriations for fiscal years 1979, 1980, and 1981.

1971—Subsec. (g). Pub. L. 92–65 substituted provisions authorizing to be appropriated $175,000,000 for the fiscal years ending June 30, 1971, and June 30, 1972, $180,000,000 for the fiscal years ending June 30, 1973, and June 30, 1974, $185,000,000 for the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977, and $180,000,000 for the fiscal year ending June 30, 1978, for provisions authorizing to be appropriated $175,000,000 for the fiscal years ending June 30, 1970, June 30, 1971, and June 30, 1972 and $170,000,000 for the fiscal year ending June 30, 1973.

NEW AND INCREASED AUTHORITY TO ENTER INTO CONTRACTS; RELATION TO AMOUNTS APPROPRIATED

Section 124 of Pub. L. 94–188 provided that: "To the extent that any section of this title [see section 101 of Pub. L. 94–188, set out as Short-Title note under section 1 of this Appendix] provides new or increased authority to enter into contracts under section 201 of the Appalachian Regional Development Act of 1965 [this section],

such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriation acts."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 214, 401, 405 of this Appendix.

§ 202. Demonstration health projects.

(a) In order to demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health, Education, and Welfare is authorized to make grants for the planning, construction, equipment, and operation of multi-county demonstration health, nutrition, and child care projects, including hospitals, regional health diagnostic and treatment centers and other facilities and services necessary for the purposes of this section. Grants for such construction (including the acquisition of privately owned facilities not operated for profit or previously operated for profit where the acquisition of such facilities is the most cost-effective means for providing increased health services if the Commission finds that but for the acquisition for such facility such health services would not be otherwise provided in the area served by such facility, and initial equipment) shall be made in accordance with section 223 of this Act and shall not be incompatible with the applicable provisions of title VI of the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (77 Stat. 282), and other laws authorizing grants for the construction of health-related facilities, without regard to any provisions therein relating to appropriation authorization ceilings or to allotments among the States. Grants under this section shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

* * * * *

(c) Grants under this section for operation (including initial operating funds and operating deficits comprising among other items the costs of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with funds authorized by this section, may be made for up to 100 per centum of the costs thereof for the two-year period beginning, for each component facility or service assisted under any such operating grant, on the first day that such facility or service is in operation as a part of the project. For the next three years of operations such grants shall not exceed 75 per centum of such costs. The Federal contribution may be provided entirely from funds appropriated to carry out this section or in combination with funds provided under other Federal grant-in-aid programs for the operation of health related facilities and the provision of health and child development services, including title IV, parts A and B, and title XX of the Social Security Act. Notwithstanding any provision of the Social Security Act requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement. Notwithstanding any provision of law limiting the Federal share in such other programs, funds appropriated to carry out this section may be used to increase Federal grants for operating components of a demonstration health project to the maximum percentage cost thereof authorized by this subsection. No grant for operation of a demonstration health project shall be made unless the facility is publicly owned, or owned by a public or private nonprofit organization, and is not operated for profit. No grants for operation of a demonstration health project shall be made after five years following the commencement of the initial grant for operation of the project. No such grants shall be made unless the Secretary of Health, Education, and Welfare is satisfied that the operation of the project will be conducted under efficient management practices designed to obviate operating deficits. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (79 Stat. 554; 42 U.S.C. 3134), a health-related facility constructed under title I of that Act may be a component of a demonstration health project eligible for operating grant assistance under this section.

(d) The Secretary of Health, Education, and Welfare is authorized to provide funds to the Commission for the support of its Health Advisory Committee and to make grants for expenses of planning necessary for the development and operation of demonstration health projects for the region. The amount of any such grant shall not exceed 75 per centum of such expenses. The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection.

* * * * *

(As amended Pub. L. 92–65, title II, § 206, Aug. 5, 1971, 85 Stat. 169; Pub. L. 94–188, title I, § 111, Dec. 31, 1975, 89 Stat. 1081.)

REFERENCES IN TEXT

Title IV, parts A and B, of the Social Security Act, referred to in subsec. (c), is subchapter IV, parts A and B, of chapter 7 of Title 42, The Public Health and Welfare.

Title XX of the Social Security Act, referred to in subsec. (c), is classified to section 1397 et seq. of Title 42.

The Social Security Act, referred to in subsec. (c), is classified to section 301 et seq. of Title 42.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–188, § 111(1), in provisions relating to acquisition of facilities, added reference to facilities previously operated for profit where the acquisition of such facility is the most cost-effective means for providing increased health services on a finding by the Commission that but for the acquisition of such facility such health services would not otherwise be provided in the area served by such facility, and also added reference to section 223 of this Act.

Subsec. (c). Pub. L. 94–188, § 111(2), in provisions relating to funds from which federal contributions may be made, added reference to title XX of the Social Security Act.

1971—Subsec. (c). Pub. L. 92–65 § 206(a), added provision that Federal funds authorized under Federal grant programs for the provision of child development services, including title IV of the Social Security Act, may be used in combination with funds provided under this Appendix and further provided an exception to the Social Security Act to permit states to utilize funds for programs or projects that would be implemented in the Appalachian states without regard to any provision of law requiring the providing of this type of assistance or service on a statewide basis.

Subsec. (d). Pub. L. 92–65, § 206(b), added provision that the Federal contribution to the expenses of planning may be provided entirely from funds under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs and that funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost authorized by this subsection.

§ 205. Mining area restoration.

(a) In order to further the economic development of the region by rehabilitating areas presently damaged by deleterious mining practices, the Secretary of the Interior is authorized to—

(1) make financial contributions to States in the region to seal and fill voids in abandoned coal mines and abandoned oil and gas wells, and to reclaim and rehabilitate lands affected by the strip and surface mining and processing of coal and other minerals, including lands affected by waste piles, in accordance with provisions of the Act of July 15, 1955 to the extent applicable, without regard to section 2(b) thereof or to any provisions therein limiting assistance to anthracite coal formation, or to the Commonwealth of Pennsylvania; to control and abate mine drainage pollution; and for planning or engineering for any such activities. Grants under this paragraph shall be made wholly out of funds specifically appropriated for the purposes of carrying out this Act.

(2) plan and execute projects for planning, engineering, or extinguishing underground and outcrop mine fires in the region or to make grants to the States for carrying out such projects, in accordance with the applicable provisons of the Act of August 31, 1954, without regard to any provisions therein relating in annual appropriation authorization ceilings. Grants under this paragraph shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act.

(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs carried out under subsection (a) of this section and conducted on lands other than federally owned lands shall not exceed 75 per centum of the total cost thereof. For the purposes of this section, such project costs may include the reasonable value (including donations) of planning, engineering, real property acquisition (limited to the reasonable value of the real property in its unreclaimed state and costs incidental to its acquisition, as determined by the Commission), and such other materials (including, but not limited to, sand, clay, stone, culm, rock, spoil bank and noncombustible materials) and services as may be required for such project.

(c) Whenever a State, local government, or other nonprofit applicant agrees to indemnify the Federal Government, or its officers, agents, or employees, for all claims of loss or damage resulting from the use and occupation of lands for a project assisted under this section, the Secretary may waive all requirements for the submission of releases, consents, waivers, or similar instruments respecting such lands, but the Secretary may require security as he deems appropriate for any such indemnification agreement.

(d) No moneys authorized by this Act shall be expended for the purposes of reclaiming, improving, grading, seeding, or reforestation of strip-mined areas, except on lands owned by Federal, State, or local government bodies or by private nonprofit entities organized under State law to be used for public recreation, conservation, community facilities, or public housing. (As amended Pub. L. 92–65, title II, § 207, Aug. 5, 1971, 85 Stat. 169; Pub. L. 94–188, title I, § 112, Dec. 31, 1975, 89 Stat. 1081.)

AMENDMENTS

1975—Subsec. (a)(1). Pub. L. 94–188, § 112(1), authorized the Secretary of the Interior to plan and engineer the activities enumerated in this subsection.

Subsec. (a)(2). Pub. L. 94–188, § 112(2), substituted "execute projects for planning, engineering, or extinguishing" for "execute projects for extinguishing".

Subsec. (b). Pub. L. 94–188, § 112(3), substituted "other materials (including, but not limited to, sand, clay, stone, culm, rock, spoil bank and noncombustible materials) and services" for "other materials and services".

Subsec. (c). Pub. L. 94–188, § 112(4), substituted provisions relating to indemnification agreements for provisions relating to study and recommendations for reclamation and rehabilitation of strip and surface mining areas.

Subsec. (d). Pub. L. 94–188, § 112(5), eliminated authorization of appropriation for the two-fiscal-year period ending June 30, 1969 and substituted provisions that the moneys be used for public recreation, conservation, community facilities, or public housing for provisions that the moneys may not be used until authorized by law after completion of the study and report to the President as provided in subsec. (c) of this section.

1971—Subsec. (a)(1). Pub. L. 92–65, § 207(a), added provisions authorizing contributions to control or abate mine drainage pollution.

Subsec. (b). Pub. L. 92–65, § 207(b), deleted fiscal year limitation, and extended the existing 75–25 Federal-State cost sharing ratio for restoration projects, and substituted new formula for the computation of costs.

§ 207. Assistance for planning and other preliminary expenses of proposed low- and moderate-income housing projects.

(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the "Secretary") is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, to nonprofit, limited dividend, or cooperative organizations and public bodies, for planning and obtaining federally insured mortgage financing or other financial assistance for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221 of the National Housing Act, section 8 of the United States Housing Act of 1937, sec-

tion 515 of the Housing Act of 1949, or any other law of similar purpose administered by the Secretary or any other department, agency, or instrumentality of the Federal or State government, in any area of the Appalachian region determined by the Commission.

(b) No loan under subsection (a) of this section shall exceed 80 per centum of the cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require payments of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

(c)(1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit, limited dividend, or cooperative organizations and public bodies for reasonable site development costs and necessary offsite improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant for the construction of housing, shall exceed 10 per centum of the cost of such project, and no such grant for the rehabilitation of housing shall exceed 10 per centum of the reasonable value of such rehabilitation housing, as determined by the Secretary.

* * * * *

(e) The Secretary or the Commission may provide, or contract with public or private organizations to provide, information, advice, and technical assistance with respect to the construction, rehabilitation, and operation by nonprofit organizations of housing for low or moderate income families in such areas of the region and may provide funds to the States for making grants and loans to nonprofit, limited dividend, or cooperative organizations and public bodies for the purposes for which the Secretary is authorized to provide funds under this section.

(f) Programs and projects assisted under this section shall be subject to the provisions cited in section 402 of the Act, notwithstanding such section, to the extent provided in the laws authorizing assistance for low- and moderate-income housing. (As amended Pub. L. 92–65, title II, § 208, Aug. 5, 1971, 85 Stat. 169; Pub. L. 94–188, title I, § 113, Dec. 31, 1975, 89 Stat. 1082.)

REFERENCES IN TEXT

Section 221 of the National Housing Act, referred to in subsec. (a), is classified to section 1715*l* of Title 12, Banks and Banking.

Section 8 of the United States Housing Act of 1937, referred to in subsec. (b), is classified in section 1437f of Title 42, The Public Health and Welfare.

Section 515 of the Housing Act of 1949, referred to in subsec. (a), is classified to section 1485 of Title 42.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–188, § 113(1), substituted reference to section 8 of the United States Housing Act of 1937, section 515 of the Housing Act of 1949, or any other law of similar purpose administered by the Secretary or any other department, agency, or instrumentality of the Federal or State government for reference to section 235, or 236 of the National Housing Act.

Subsec. (c)(2). Pub. L. 94–188, § 113(2), included limited dividend and cooperative organizations in the list of recipients who may receive grants and commitments for grants and advances, and added provisions that no grant for the rehabilitation of housing shall exceed 10 per centum of the reasonable value of such rehabilitation housing as determined by the Secretary.

Subsec. (e). Pub. L. 94–188, § 113(3), added provision that the Secretary or the Commission may provide funds to the States for making grants and loans to nonprofit, limitd dividend, or cooperative organizations and public bodies for the purposes for which the Secretary is authorized to provide funds under this section.

Subsec. (f). Pub. L. 94–188, § 113(4), added subsec. (f).

1971—Pub. L. 92–65, § 208(a), substituted "low- and moderate-income housing projects" for "housing projects under section 221 and section 236 of the National Housing Act" in the section catchline.

Subsec. (a). Pub. L. 92–65, § 208(b), substituted provisions authorizing grants and loans for planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221, 235, or 236 of the National Housing Act, in any area of the Appalachian region determined by the Commission for provisions authorizing grants and loans for expenses of planning and obtaining insured mortgage for housing construction or rehabilitation projects, under section 221 or 236 of the National Housing Act, in any area of the Appalachian region determined by the Commission to have significant potential for future growth.

Subsec. (b). Pub. L. 92–65, § 208(b), redesignated former subsec. (c) as subsec. (b), and in subsec. (b) so redesignated, substituted "application and mortgage commitment fees, legal fees" for "Federal Housing Administration, Government National Mortgage Association and Federal National Mortgage Association fees", deleted references to section 221 or 236 in three places, and modified provisions relating to repayment of loans to permit cancellation of all or any part of the loan if the Secretary determines that a permanent loan cannot be obtained in any case except loans to profitmaking organizations. Former subsec. (b) redesignated as subsec. (c)(1) and amended.

Subsec. (c)(1). Pub. L. 92–65, § 208(b), redesignated former subsec. (b) as subsec. (c)(1), and in subsec. (c)(1) so redesignated, extended the 80 percent limitation to expenses incident to planning and obtaining financing for a housing project and exempted par. (2) from the limitation in par. (1).

Subsec. (c)(2). Pub. L. 92–65, § 208(b) added subsec. (c)(2).

Subsec. (e). Pub. L. 92–65, § 208(c), extended to the Commission the authority to provide technical assistance for construction, rehabilitation, and operation by nonprofit organizations of low or moderate income housing units.

§ 208. Appalachian airport safety improvements.

(a) In order to provide a system of airports in the Appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigaton aids, and the acquisition of adequate safety equipment (including firefighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section. (Pub. L. 89–4, title II, § 208, as added Pub. L. 92–65, title II, § 205, Aug. 5, 1971, 85 Stat. 168.)

REFERENCES IN TEXT

The Airport and Airway Development Act of 1970, referred to in subsec. (d), is classified to section 1701 et seq. of Title 49, Transportation. See short title note under section 1701 of Title 49.

The Federal Aviation Act of 1958, as amended, referred to in subsec. (d), is clasisfied to section 1301 et seq. of Title 49, Transportation. See short title note under section 1301 of Title 49.

RESCISSION OF AUTHORITY TO INCUR OBLIGATIONS TO MAKE GRANTS FOR AIRPORT SAFETY IMPROVEMENT PROJECTS

Pub. L. 93–529, ch. III, Dec. 21, 1974, 88 Stat. 1711, provided that: "The authority to incur obligations provided by subsection (f) of section 208 of the Appalachian Regional Development Act of 1965, as amended (85 Stat. 169, 40 App. U.S.C. 208) [subsec. (f) of this section], is rescinded."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 401 of this Appendix.

PART B.—SUPPLEMENTATIONS AND MODIFICATIONS OF EXISTING PROGRAMS

§ 211. Vocational education facilities and vocational and technical education demonstration projects.

(a) In order to provide basic facilities to give the people of the region the training and education they need to obtain employment, the Secretary of Health, Education, and Welfare is authorized to make grants for construction of the school facilities and for the equipment and operation of such facilities and other school facilities needed for the provision of vocational education in areas of the region in which such education is not now adequately available. Such grants shall be made in accordance with the provisions of the Vocational Education Act of 1963 (77 Stat. 403), without regard to any provisions therein relating to appropriation authorization ceilings or to allotments among the States. Grants under this section shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provision of law.

(b)(1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating educational projects which will serve to demonstrate areawide education planning, services, and programs, with special emphasis on vocational and technical education, career education, cooperative and recurrent education, guidance and counseling. Projects shall be selected with the involvement of all sectors of the community, including industry and labor. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

(2) No grant for the construction or equipment of any component of an education demonstration project shall exceed 80 per centum of its costs.

(3) Grants under this section for operation of components of education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of education demonstration projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that

Act may be a component of an education demonstration project eligible for operating grant assistance under this section.

(4) No grant for expenses of planning necessary for the development and operation of an education demonstration project shall exceed 75 per centum of such expenses.

(5) No grant for planning, construction, equipment, or operation of an education demonstration project shall be made unless the facility is publicly owned, but this shall not be deemed to preclude training or on-the-job employment activities away from such facility if the project is administered through a public body.

(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection. (As amended Pub. L. 92–65, title II, § 209, Aug. 5, 1971, 85 Stat. 170; Pub. L. 94–18, title I, § 114, Dec. 31, 1975, 89 Stat. 1083.)

REFERENCES IN TEXT

Section 104 of the Public Works and Economic Development Act of 1965, referred to in subsec. (b)(3), was classified to section 3134 of Title 42, The Public Health and Welfare, and was repealed by Pub. L. 94–128, title I, § 123, Dec. 31, 1975, 89 Stat. 1086.

Title I of that Act, referred to subsec. (b)(3), is classified to subchapter I of chapter 38 of Title 42.

AMENDMENTS

1975—Subsec. (b)(1). Pub. L. 94–188, § 114(1), substituted provisions authorizing the Secretary to make grants for planning, constructions, equipping, and operating educational projects which will serve to demonstrate areawide education planning, services, and programs, with special emphasis on vocational and technical education, career education, cooperative and recurrent education, guidance and counseling for provisions authorizing the Secretary to make such grants for vocational and technical educational projects which will serve to demonstrate areawide educational planning, services, and programs, and added provision that projects shall be selected with the involvement of all sectors of the community, including industry and labor.

Subsec. (b)(2). Pub. L. 94–188, § 114(2), substituted "component of an education" for "component of a vocational and technical education".

Subsec. (b)(3). Pub. L. 94–188, § 114(3), substituted reference to education demonstration projects for reference to vocational and technical education demonstration projects in three places.

Subsec. (b)(4). Pub. L. 94–188, § 114(4), substituted "operation of an education" for "operation of a vocational and technical education".

Subsec. (b)(5). Pub. L. 94–188, § 114(5), substituted provisions that no grant for planning, construction, equipment, or operation of an education demonstration project shall be made unless the facility is publicly owned, but that this shall not be deemed to preclude training or on-the-job employment activities away from such facility if the project is administered through a public body for provisions that no grant for planning, construction, operation, or equipment of a vocational and technical education demonstration project shall be made unless the facility is publicly owned.

1971—Pub. L. 92–65, § 209(a), added "and vocational and technical education demonstration projects" in the catchline.

Subsec. (a). Pub. L. 92–65, § 209(b), extended the authority of the Secretary to make grants for the operation of school facilities.

Subsec. (b). Pub. L. 92–65, § 209(c), substituted parts (1) to (6) for provisions authorizing $26,000,000 for the two-fiscal-year period ending June 30, 1969 out of the total appropriations authorized under section 401 of this Appendix.

§ 214. Supplements to Federal grant-in-aid programs.

(a) In order to enable the people, States, and local communities of the region, including local development districts, to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the President is authorized to provide funds to the Federal Cochairman to be used for all or any portion of the basic Federal contribution to projects or activities (hereinafter referred to as projects) under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs, as hereafter defined, above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets the applicable requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other Act. Any findings, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant-in-aid programs shall be accepted by the Federal Cochairman with respect to a supplemental grant for any project under such program.

* * * * *

(c) The term "Federal grant-in-aid programs" as used in this section means those Federal grant-in-aid programs authorized on or before December 31, 1978, by this Act and Acts other than this Act for

the acquisition or development of land, the construction or equipment of facilities, or other community or economic development or economic adjustment activities, including but not limited to grant-in-aid programs authorized by the following Acts: Federal Water Pollution Control Act; Watershed Protection and Flood Prevention Act; titles VI and XVI of the Public Health Services Act; Vocational Education Act of 1963; Library Services and Construction Act; Federal Airport Act; Airport and Airway Development Act of 1970; part IV of title III of the Communications Act of 1934; title VI (part A) and VII of the Higher Education Act of 1965; Land and Water Conservation Fund Act of 1965; National Defense Education Act of 1958; Consolidated Farm and Rural Development Act; titles I and IX of the Public Works and Economic Development Act of 1965; the housing repair program for homeowners authorized by section 1319 of Title 42; grants under the Indian Health Service Act (42 Stat. 208); and title I of the Housing and Community Development Act of 1974. The term shall not include (A) the program for the construction of the development highway system authorized by section 201 of this Act or any other program relating to highway or road construction, or (B) any other program for which loans or other Federal financial assistance, except a grant-in-aid program, is authorized by this or any other Act. For the purpose of this section, any sewage treatment works constructed pursuant to section 8(c) of the Federal Water Pollution Control Act without Federal grant-in-aid assistance under such section shall be regarded as if constructed with such assistance.

* * * * *

(As amended Pub. L. 92–65, title II, § 210, Aug. 5, 1971, 85 Stat. 171; Pub. L. 94–188, title I, § 115, Dec. 31, 1975, 89 Stat. 1083.)

REFERENCES IN TEXT

The Federal Water Pollution Control Act, act June 30, 1948, ch. 758, 62 Stat. 1155, formerly classified to chapter 23 (section 1151 et seq.) of Title 33, Navigation and Navigable Waters, was amended, reorganized, and expanded by Pub. L. 92–500, Oct. 18, 1972, 86 Stat. 816, and is now classified to chapter 26 (section 1251 et seq.) of Title 33.

The Watershed Protection and Flood Prevention Act, referred to in subsec. (c), is classified to section 1001 et seq. of Title 16, Conservation.

Titles VI and XVI of the Public Health Service Act, referred to in subsec. (c), are classified to section 291 et seq. and section 300o et seq. of Title 42, The Public Health and Welfare.

Vocational Education Act of 1963, referred to in subsec. (c), is classified to section 1241 et seq. of Title 20, Education.

Library Services and Construction Act, referred to in subsec. (c), is classified to section 351 et seq. of Title 20.

Federal Airport Act, referred to in subsec. (c), was formerly classified to chapter 14 of Title 49, Transportation, was repealed by section 52(a) of Pub. L. 91–258, and is now covered by Airport and Airway Development Act of 1970, classified to chapter 25 (section 1701 et seq.) of Title 49.

Airport and Airway Development Act of 1970, referred to in subsec. (c), is classified to chapter 25 (section 1701 et seq.) of Title 49.

Part IV of title III of the Communications Act of 1934, referred to in subsec. (c), is classified to section 390 et seq. of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

Title VI (part A) and VII of the Higher Education Act of 1965, referred to in subsec. (c) is classified to section 1121 et seq. and 1132a et seq. of Title 20.

Land and Water Conservation Fund Act of 1965, referred to in subsec. (c), is classified to section 460*l*–4 et seq. of Title 16.

National Defense Education Act of 1958, referred to in subsec. (c), is classified to section 401 et seq. of Title 20.

Consolidated Farm and Rural Development Act, referred to in subsec. (c), is classified to section 1921 et seq. of Title 7, Agriculture.

Titles I and IX of the Public Works and Economic Development Act of 1965, referred to in subsec. (c), is classified to section 3131 et seq. and 3241 et seq. of Title 42.

Indian Health Service Act, referred to in subsec. (c), is classified to section 13 of Title 25, Indians.

Title I of the Housing and Community Development Act of 1974, referred to in subsec. (c), is classified to section 5301 et seq. of Title 42.

Section 8(c) of the Federal Water Pollution Control Act is now covered by section 1281 et seq. of Title 33.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–188, § 115(1), substituted "portion of the basic Federal contribution to projects or activities (hereinafter referred to as projects) under" for "portion of the basic Federal contribution to projects under".

Subsec. (c). Pub. L. 94–188, § 115(2), updated the definition of "Federal grant-in-aid programs" to include additional Federal grant-in-aid programs as eligible for supplementation.

1971—Subsec. (a). Pub. L. 92–65, § 210(a), extended the authority to make basic grants when funds available under a basic Federal grant-in-aid program are insufficient, provided that the Federal official administering the program certifies that the program or project to be funded meets the requirements of the program, on a finding by the Commission that the level of Federal and state assistance to the Appalachian region under other acts will not be diminished by the substitution of funds authorized by this subsection.

Subsec. (c). Pub. L. 92–65, § 210(b), substituted "December 31, 1974" for "December 31, 1970".

PART C.—GENERAL PROVISIONS

§ 223. Program implementation.

No program or project authorized under any section of this title shall be implemented until (1) applications and plans relating to the program or project have been determined by the responsible Federal official to be not incompatible with the provisions and objectives of Federal laws which he administers that are not inconsistent with this Act, and (2) the Commission has approved such program or project and has determined that it meets the applicable criteria under section 224 of this Act and the requirements of the development planning process under section 225, and will contribute to the development of the region, which determination shall be controlling and which shall be accepted by the Federal agencies. (As amended Pub. L. 94–188, title I, § 116, Dec. 31, 1975, 89 Stat. 1083.)

AMENDMENTS

1975—Pub. L. 94–188 substituted in cl. (1), "to be not incompatible with" for "to be compatible with", and in cl. (2), added reference to the requirements of the development planning process under section 225, and added provision that such determination shall be accepted by the Federal agencies.

DISCRIMINATION BASED ON SEX PROHIBITED IN PROGRAMS UNDER APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Pub. L. 92–65, title II, § 214, Aug. 5, 1971, 85 Stat. 173, provided: "No person in the United States shall, on the

ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Appalachian Regional Development Act of 1965 [this Appendix]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 202 of this Appendix.

§ 224. Program development criteria.

* * * * *

(c) Funds may be provided for programs and projects in a State under this Act only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this Act. (As amended Pub. L. 94–188, title I, § 117, Dec. 31, 1975, 89 Stat. 1084.)

AMENDMENTS

1975—Subsec. (c). Pub. L. 94–188 added subsec. (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 223, 302 of this Appendix.

§ 225. Appalachian state development planning process.

(a) Pursuant to policies established by the Commission, each State member shall submit on such schedule as the Commission shall prescribe a development plan for the area of the State within the region. The State development plan shall reflect the goals, objectives, and priorities identified in the regional development plan and in any subregional development plan which may be approved for the subregion of which such State is a part. Such State development plan shall (1) describe the State organization and continuous process for Appalachian development planning, including the procedures established by the State for the participation of local development districts in such process, the means by which such process is related to overall statewide planning and budgeting processes, and the method of coordinating planning and projects in the region under this Act, the Public Works and Economic Development Act of 1965, and other Federal, State, and local programs; (2) set forth the goals, objectives, and priorities of the State for the region, as determined by the Governor, and identify the needs on which such goals, objectives, and priorities are based; and (3) describe the development program for achieving such goals, objectives, and priorities, including funding sources, and recommendations for specific projects to receive assistance under this Act.

(b) (1) Local development districts certified by the State under section 301 of this Act provide the linkage between State and substate planning and development. In carrying out the development planning process, including the selection of programs and projects for assistance, States shall consult with local development districts, local units of government, and citizen groups and take into consideration the goals, objectives, priorities, and recommendations of such bodies. The districts shall assist the States in the coordination of areawide programs and projects, and may prepare and adopt areawide plans or action programs.

(2) The Commission shall encourage the preparation and execution of areawide action programs which specify interrelated projects and schedules of actions together with the necessary agency fundings and other commitments to implement such programs. Such programs shall make appropriate use of existing plans affecting the area.

(c) To the maximum extent practicable, Federal departments, agencies, and instrumentalities undertaking or providing financial assistance for programs or projects in the region shall (1) take into account the policies, goals, and objectives established by the Commission and its member States pursuant to this Act; (2) recognize Appalachian State development programs approved by the Commission as satisfying requirements for overall economic development planning under such programs or projects; and (3) accept the boundaries and organization of any local development district certified under this Act which the Governor may designate as the areawide agency required under any such program undertaken or assisted by such Federal departments, agencies, and instrumentalities. (Pub. L. 89–4, title II, § 225, as added Pub. L. 94–188, title I, § 118, Dec. 31, 1975, 89 Stat. 1084.)

REFERENCES IN TEXT

The Public Works and Economic Development Act of 1965, referred to in subsec. (a), is classified to section 3121 et seq. of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 223 of this Appendix.

TITLE III.—ADMINISTRATION

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 42 section 3232.

§ 301. Local development districts; certification.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 225 of this Appendix.

§ 302. Grants for administrative expenses of local development districts and for research and demonstration projects.

(a) The President is authorized—

(1) to make grants to the Commission for administrative expenses, including the development of areawide plans or action programs and technical assistance activities, of local development districts, but (A) the amount of any such grant shall not exceed 75 per centum of such expenses, (B) no grants for administrative expenses shall be made for a State agency certified as a local development district for a period in excess of three years beginning on the date the initial grant is made for such development district, and (C) the local development district contributions for administrative expenses may be in cash or in kind, fairly evaluated, including but not limited to space, equipment, and services;

(2) to make grants to the Commission for assistance to States for a period not in excess of two years to strengthen the State development

planning process for the region and the coordination of State planning under this Act, the Public Works and Economic Development Act of 1965, as amended, and other Federal and State programs; and

(3) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate.

(b)(1) Notwithstanding the provisions of section 224(b)(2), (3), or (4), the Commission may provide assistance under this section for demonstrations of enterprise development, including site acquisition or development where necessary for the feasibility of the project, in connection with the development of the region's energy resources and the development and stimulation of indigenous arts and crafts of the region. No more than $3,000,000 shall be obligated for such energy resource related demonstrations in any fiscal year, and no more than $2,500,000 shall be obligated for such indigenous arts and crafts demonstrations.

(2) In carrying out the purposes of this Act, including section 2(b), and in implementing this section, the Federal Energy Administration, the Energy Research and Development Administration, the Environmental Protection Agency, and other Federal agencies shall cooperate with the Commission and shall provide such assistance as the Federal Cochairman may request.

(3) The Commission shall conduct a study and report on the status of Appalachian migrants in the destinations to which they have migrated, current migration patterns and implications, and the impact which the Commission program has had, and the potential for such impact, on out-migration and the welfare of Appalachian migrants. The Commission is authorized to conduct pilot projects and demonstrations within the region in connection with such study.

(4) The Commission shall conduct a study of physical hazards which are constraints on land use in the Appalachian region (with emphasis on mudslides, landslides, sink holes, and subsidence) and the risks associated with such hazards. To the extent practicable, such study shall identify high-risk hazard areas throughout the Appalachian region. The Commission shall submit its report on such study, together with recommendations for means to remove or avoid such constraints on land use, to the Congress not later than twenty-four months after the enactment of this paragraph.

* * * * *

(As amended Pub. L. 92–65, title II, § 211, Aug. 5, 1971, 85 Stat. 172; Pub. L. 94–188, title I, § 119, Dec. 31, 1975, 89 Stat. 1085.)

REFERENCES IN TEXT

The Public Works and Economic Development Act of 1965, referred to in subsec. (a)(2), is classified to section 3121 et seq. of Title 42, The Public Health and Welfare.

The enactment of this paragraph, referred to in subsec. (b), is the date of enactment of Pub. L. 94–188, which was approved on Dec. 31, 1975.

AMENDMENTS

1975—Subsec. (a)(1). Pub. L. 94–188, § 119(1), substituted "including the development of areawide plans or action programs and technical assistance activities" for "including technical services".

Subsec. (a)(2). Pub. L. 94–188, § 119(2), added subsec. (a)(2). Former subsec. (a)(2) redesignated subsec. (a)(3).

Subsec. (a)(3). Pub. L. 94–188, § 119(2), redesignated former subsec. (a)(2) as subsec. (a)(3).

Subsec. (b). Pub. L. 94–188, § 119(3), substituted provisions permitting the Commission to provide assistance for projects relating to the development of energy resources and the development and stimulation of indigenous arts and crafts of the region, that no more than $3,000,000 shall be obligated for such energy resource related demonstrations in any fiscal year and that no more than $2,500,000 shall be obligated for such indigenous arts and crafts demonstrations, requiring cooperation among federal agencies, requiring the Commission to study, report, and make recommendations to Congress for removal of constraints on land use within twenty-four months after Dec. 31, 1975, for provisions authorizing the Commission to make a survey and study of acid pollution in the region from mining activities and the effects of such pollution, and requring the President to make a report and recommendations to Congress not later than Mar. 31, 1969.

1971—Subsec. (a)(2). Pub. L. 92–65 extended the authority of the President to make grants for evaluations, assessment of needs, potentials, or attainments of the people of the region, and for construction of facilities, and further provided that grants may be made from appropriations under this Appendix or otherwise, and that funds appropriated to carry out this section may be used to increase the Federal share at the discretion of the Commission.

§ 303. Approval of development plans, investment programs, and projects.

State and Regional Development Plans and implementing investment programs, and any multistate subregional plans which may be developed, shall be annually reviewed and approved by the Commission in accordance with section 101(b) of this Act. An application for a grant or for any other assistance for a specific project under this Act shall be made through the State member of the Commission representing such applicant, and such State member shall evaluate the application for approval. Only applications for grants or other assistance for specific projects shall be approved which are certified by the State member and determined by the Federal Cochairman to implement the Commission-approved State development plan; to be included in the Commission-approved implementing investment program; to have adequate assurance that the project will be properly administered, operated, and maintained; and to otherwise meet the requirements for assistance under this Act. After the approval of the appropriate State develop-

ment plan and implementing investment program, certification by a State member of an application for a grant or other assistance for a specific project pursuant to this section shall, when joined by an affirmative vote of the Federal Cochairman for such project, be deemed to satisfy the requirements for affirmative votes for decisions under section 101(b) of this Act. (As amended Pub. L. 94–188, title I, § 120, Dec. 31, 1975, 89 Stat. 1086.)

AMENDMENTS

1975—Pub. L. 94–188 substantially reenacted this section, made the regional development planning process under section 101(b) of this Act applicable to procedure for approval by the Commission of state development plans, regional development plans, and implementing investment programs, and further provided that once a state development plan is approved, the submission and approval of a project by a state, when joined by an affirmative vote of the Federal Cochairman for such project, shall be deemed to satisfy the requirements for affirmative votes for decisions under section 101(b) of this Act.

SECTIONS REFERRED TO IN OTHER SECTIONS

This section is referred to in section 101 of this Appendix.

TITLE IV.—APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

§ 401. Authorization of appropriations.

In addition to the appropriations authorized in section 105 for administrative expenses, in section 201 for the Appalachian Development Highway System and Local Access Roads, and in section 208 for Appalachian Airport Safety Improvements, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $282,000,000 for the two-fiscal-year period ending June 30, 1973; and $294,000,000 for the two-fiscal-year period ending June 30, 1975. In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201(g) for the Appalachian development highway system and local access roads, there is authorized to be appropriated to the President, to be available until expended, to carry out this Act, $340,000,000 for the period beginning July 1, 1975, and ending September 30, 1977, and $300,000,000 for the two-fiscal year period ending September 30, 1979. (As amended Pub. L. 92–65, title II, § 212, Aug. 5, 1971, 85 Stat. 172; Pub. L. 94–188, title I, § 121, Dec. 31, 1975, 89 Stat. 1086.)

AMENDMENTS

1975—Pub. L. 94–188 added provisions authorizing additional appropriations for the period beginning July 1, 1975 and ending Sept. 30, 1977, and for the two-fiscal year period ending Sept. 30, 1979.

1971—Pub. L. 92–65 added reference to section 208, authorized appropriation of $282,000,000 for the two-fiscal-year period ending June 30, 1973, and $294,000,000 for the two-fiscal-year period ending June 30, 1975, and struck out provisions limiting to certain amounts the funds allotted to be used in carrying out specified sections.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 203, 204, 206, 212, 214 and 302 of this Appendix.

§ 402. Applicable labor standards.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 207 of this Appendix.

§ 403. Definition of Appalachian region.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 23 section 143; title 33 section 1257.

§ 405. Termination.

This Act, other than section 201, shall cease to be in effect on October 1, 1979. (As amended Pub. L. 92–65, title II, § 213, Aug. 5, 1971, 85 Stat. 173; Pub. L. 94–188, title I, § 122(a), Dec. 31, 1975, 89 Stat. 1086.)

AMENDMENTS

1975—Pub. L. 94–188 substituted "October 1, 1979" for "July 1, 1975".

1971—Pub. L. 92–65 substituted "July 1, 1975" for "July 1, 1971".